

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 BRIAN HARRIS,

PLAINTIFF,

4
5 -against-

Case No.:
20-CV-10864 (LGS)

6
7 CITY OF NEW YORK; Lieutenant ANGEL LEON;
8 Detective KRISTEN SWINKUNAS (Shield #2190); Police
9 Officer ANTONELLA JIMENEZ (Shield #5209); Police
10 Officer MAXWELL BALTZER (Shield # 15451); and
11 Lieutenant JOHN LANE,

DEFENDANTS.

12 DATE: October 25, 2021

13 TIME: 10:35 A.M

14
15
16 ZOOM VIDEO DEPOSITION of the Plaintiff,
17 BRIAN HARRIS, taken by the Defendants, pursuant to a Court
18 Order and to the Federal Rules of Civil Procedure, held,
19 before Elizabeth Forero, a Notary Public of the State of
20 New York.

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1 A. Yes, senior. My son has the same exact name. He
2 is junior.

3 Q. Do you have any nicknames?

4 A. No.

5 Q. Have you ever used any aliases?

6 A. No.

7 Q. You ever uses a name other than Brian Harris on
8 any government documents?

9 A. No.

10 Q. How old are you, sir?

11 A. Forty-five.

12 Q. What is your date of birth?

13 A. [REDACTED]

14 Q. Are you left- or right-handed?

15 A. Right-handed.

16 Q. How tall are you?

17 A. Six feet two inches.

18 Q. How much do you weigh as you sit here today?

19 A. Two hundred and eighty-five pounds.

20 Q. On September 2, 2020, how much did you weigh
21 approximately?

22 A. Two hundred and sixty pounds.

23 Q. Have you ever used any date of birth other than

24 [REDACTED]

25 A. No.

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1 Q. What is your Social Security number?

2 MS. KAUFMAN: Only the last four.

3 A. 

4 Q. Have you ever been assigned any other Social
5 Security number by the federal government?

6 A. No.

7 Q. Have you ever used any other Social Security
8 number?

9 A. No.

10 Q. Where were you born, sir?

11 A. In New York.

12 Q. In New York City?

13 A. Yes.

14 Q. Do you have siblings?

15 A. Yes.

16 Q. How many?

17 A. I have two sisters and one brother.

18 Q. Do you have family or friends who are employed by
19 the New York City Police Department?

20 A. No.

21 Q. Do you have any family or friends who have
22 formerly been employed by the New York City Police
23 Department?

24 A. No.

25 Q. Do you have any family or friends who are

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1 employed by the New York City Department of Corrections?

2 A. No.

3 Q. Do you any have family or friends who were
4 formerly employed by the New York City Department of
5 Corrections.

6 A. No.

7 Q. On the date of your arrest on September 2, 2020,
8 where did you live?

9 A. I lived at 1836 Watson Avenue.

10 Q. That is the same location where you are today?

11 A. Yes.

12 Q. As of September 2, 2020, how long had you been
13 living at that address?

14 A. Approximately five years.

15 Q. That is an apartment, correct?

16 A. Yes.

17 Q. Is that a New York City housing authority
18 development?

19 A. Yes, it is.

20 Q. I presume it is a rental apartment?

21 A. Yes, it is.

22 Q. Whose name is on the lease?

23 A. Shawanna Scott.

24 Q. Is that your girlfriend?

25 A. Yes.

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1 Q. Who pays the rent for that apartment?

2 A. She does.

3 Q. Do you contribute to the rent she pay?

4 A. Yes.

5 Q. What portion of the rent do you pay?

6 A. Half.

7 Q. Does anyone else live at that apartment with you
8 beside Shawanna?

9 A. Her son Karlos Small?

10 Q. How old is Mr. Small?

11 A. Fourteen.

12 Q. Has your name ever been on the lease for that
13 apartment?

14 A. No.

15 Q. Did you have to complete any paperwork or an
16 application to reside in that apartment?

17 A. No.

18 Q. Did your arrest on September 2, 2020 affect the
19 lease for that apartment in anyway?

20 A. No.

21 Q. Have you ever been homeless?

22 A. Never.

23 Q. Have you ever lived in a homeless shelter?

24 A. No.

25 Q. Do you have a phone?

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1 A. Yes.

2 Q. Is it a cellular phone or landline?

3 A. Cellular phone.

4 Q. Do you have a landline phone?

5 A. No.

6 Q. How many cellphones do you have?

7 A. One.

8 Q. How many cellphones did you have on September 2,
9 2020?

10 A. One.

11 Q. That was a cellphone, right?

12 A. Yes.

13 Q. What kind of phone did you have on September 2,
14 2020?

15 A. It was a Galaxy phone.

16 Q. Samsung Galaxy?

17 A. Samsung Galaxy Note.

18 Q. Who was the service provider for your phone on
19 September 2, 2020?

20 A. Sprint.

21 Q. How long had you had that phone as of September
22 2, 2020?

23 A. The phone I had probably going on a year.

24 Q. What was the number for that phone on September
25 2, 2020?

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1 A. 917-418-0983.

2 Q. How long had you had that phone number as of
3 September 2, 2020?

4 A. I had that phone number over twenty years.

5 Q. Is that still your phone number today?

6 A. Yes.

7 Q. As of September 2, 2020, were you married?

8 A. Yes.

9 Q. Who were you married to as of that date?

10 A. Joy Harris.

11 Q. Did Joy Harris have a phone on September 2, 2020?

12 A. Yes.

13 Q. Was it a cellphone or landline?

14 A. Cellphone.

15 Q. How many cellphones did she have?

16 A. She had one phone.

17 Q. Did she have a landline as of September 2, 2020?

18 A. Yes.

19 Q. Who was the service provider for Joy Harris's
20 cellphone on September 2, 2020?

21 A. Sprint.

22 Q. What was her telephone number on September 2,
23 2020?

24 A. 917-418-4086.

25 Q. What was the landline number?

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1 A. I am not sure of the landline number.

2 Q. Does she have that same phone number today?

3 A. Yes.

4 Q. Do you have a driver's license?

5 A. Yes, sir.

6 Q. What is the state it was issued in?

7 A. New York State.

8 Q. Do you own any vehicles?

9 A. Yes.

10 Q. How many?

11 A. Two.

12 Q. Are those passengers cars?

13 A. Yes, sir.

14 Q. The first type of car you own, what is it?

15 A. It is a 2007 Chevy Tahoe.

16 Q. What color is it?

17 A. Navy blue.

18 Q. You are one of the titled owners to that vehicle?

19 A. Yes.

20 Q. Are there any other titled owners to that
21 vehicle?

22 A. Joy Harris.

23 Q. Are you the only two titled owners of the car?

24 A. Yes.

25 Q. What about the second vehicle you own, what type

B. HARRIS

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1 of car is it?

2 A. 2003 GMC Yukon Denali.

3 Q. What color is that car?

4 A. Black.

5 Q. Are you the titled owner to that car?

6 A. Yes.

7 Q. Are there any other titled owners to that
8 vehicle?

9 A. No.

10 Q. Did you own both of those cars as of September 2,
11 2020?

12 A. Yes.

13 Q. The Chevy Tahoe when did you acquire that
14 vehicle?

15 A. In 2006.

16 Q. Was it new when you got it?

17 A. Yes.

18 Q. How did you pay for it?

19 A. I put a deposit down and financed it for eight
20 years.

21 Q. The GMC Yukon Denali when did you acquire that
22 vehicle?

23 A. I don't remember. I purchased it used for a
24 thousand dollars.

25 Q. Just to clarify you owned the Yukon and Tahoe on

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1 September 2, 2020; is that correct?

2 A. Yes.

3 Q. Are you currently married, sir?

4 A. Yes.

5 Q. Are you still married to Joy Harris?

6 A. Yes.

7 Q. Were you married to Joy Harris on September 2,
8 2020?

9 A. Yes.

10 Q. Are you and your wife separated?

11 A. Yes.

12 Q. How long have you been separated?

13 A. Approximately ten years.

14 Q. How long have you been married to Joy Harris?

15 A. 1996.

16 Q. How long have you been living with Shawanna
17 Scott?

18 A. Approximately five years.

19 Q. When was the last time you lived with Joy Harris?

20 A. Approximately ten years ago.

21 Q. So in the five years between when you and your
22 wife separated and before you started living with Miss
23 Scott where were you living?

24 A. I was living with my cousin in Teaneck, New
25 Jersey.

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1 Q. So do you support Joy Harris financially?

2 A. Yes.

3 Q. In what way?

4 A. I still pay the rent, car insurance and cellphone
5 bill.

6 Q. Does Joy Harris support you in any way
7 financially?

8 A. Yes.

9 Q. How?

10 A. She pays we alternate with the car insurance and
11 we alternate with the rent also.

12 Q. Where does Joy Harris currently live?

13 A. 1849 Sedgwick Avenue, Bronx New York 10452,
14 Apartment 7A.

15 Q. Is that a rented or owned apartment?

16 A. Rented.

17 Q. Who is on the lease for that apartment?

18 A. Myself, Joy Harris, my son Brian Harris, Junior
19 and my stepdaughter Jerrica Howell.

20 Q. Is that apartment at 1849 Sedgwick Avenue a New
21 York City Housing Authority building?

22 A. Yes.

23 Q. Is it a privately owned building?

24 A. Yes.

25 Q. How long has your name been on the lease for that

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1 apartment?

2 A. Since 2007.

3 Q. When you first moved into that apartment you and
4 your wife were still together, correct?

5 A. Yes.

6 Q. Do you ever stay at 1849 Sedgwick Avenue?

7 A. As of lately, no.

8 Q. What do you mean by as of lately?

9 A. As of the past five years, no.

10 Q. How often do you see your wife?

11 A. Almost every day.

12 Q. When was the last time you saw Miss Joy Harris?

13 A. Maybe two days ago.

14 Q. Is she aware you brought this lawsuit?

15 A. No.

16 Q. Have you ever discussed this lawsuit with Joy
17 Harris?

18 A. No.

19 Q. Are there any court orders in place between you
20 and Joy Harris about financial issues or childcare or
21 anything like that?

22 A. No.

23 Q. Is Joy Harris your wife's full name?

24 A. Yes.

25 Q. What is her maiden name?

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1 A. Joy James.

2 Q. She does not have a middle name?

3 A. Denise.

4 Q. Joy Denise Harris is her full name?

5 A. Yes.

6 Q. What is her date of birth?

7 A. [REDACTED]

8 Q. Do you have any children?

9 A. Yes.

10 Q. How many?

11 A. I have two my son Brian Harris, Junior, and my
12 stepdaughter Jerica Renee Howell.

13 Q. Have you adopted her as your daughter? Do you
14 have any sort of legal association with her?

15 A. No.

16 Q. That is Joy Harris' biological daughter?

17 A. Yes.

18 Q. Brian Harris is the only biological child you
19 have?

20 A. Yes.

21 Q. What is Brian Harris' date of birth?

22 A. [REDACTED]

23 Q. What about Jerica Howell's date of birth?

24 A. [REDACTED] I forgot the year she was born
25 approximately.

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1 Q. How old is she?

2 A. Thirty-one.

3 Q. Where does Brian Harris, Junior currently live?

4 A. 1849 Sedgwick Avenue.

5 Q. That is with your wife?

6 A. Yes.

7 Q. Where was Brian Harris living on September 2,
8 2020?

9 A. With my wife.

10 Q. And Jerica Howell where did she reside as of
11 September 2, 2020?

12 A. 1836 Watson Avenue, Bronx, New York 10472.

13 Q. Do you support Brian Harris financially?

14 A. Yes.

15 Q. How?

16 A. I give him an allowance.

17 Q. How much allowance do you give him?

18 A. One hundred dollars a week.

19 Q. Do you contribute to him financially in any other
20 way?

21 A. Anything he needs I give to him.

22 Q. What about Jerica Howell do you support her
23 financially?

24 A. Not as of late being she is working now. But
25 when she needs it, if she needs anything, I will give it to

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1 her.

2 Q. When was the last time you were regularly
3 supporting her financially?

4 A. I would say it has been more than a year.

5 Q. When was the last time you saw your son Brian
6 Harris, Junior?

7 A. It has been a few days. It has been a couple of
8 days like a week ago.

9 Q. How regularly do you see him?

10 A. Almost every day.

11 Q. Does Brian Harris, Junior know you brought his
12 lawsuit?

13 A. No.

14 Q. Have you ever discussed this lawsuit with your
15 son?

16 A. No.

17 Q. Does Jerica Renee Howell, know you brought this
18 lawsuit?

19 A. No.

20 Q. Have you ever discussed this lawsuit with her?

21 A. No.

22 Q. Does Shawanna Scott know you brought this
23 lawsuit?

24 A. No.

25 Q. Have you ever discussed this lawsuit with her?

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1 A. No.

2 Q. What is the highest level of education you have
3 completed?

4 A. Twelfth grade, high school.

5 Q. What high school did you graduate from?

6 A. Louis B. Brandice in Manhattan.

7 Q. What year did you graduate?

8 A. 1993.

9 Q. Have you attended any post high school education?

10 A. No.

11 Q. Have you received any technical training?

12 A. No.

13 Q. Have you received any vocational or special
14 training of any kind?

15 A. No.

16 Q. Have you ever been in the military?

17 A. No.

18 Q. Were you employed on September 2, 2020?

19 A. Yes.

20 Q. By who?

21 A. New York City Department of Sanitation.

22 Q. When did you start working for department of
23 sanitation?

24 A. 10/11/11.

25 Q. What sort of work did you do before you were

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1 hired by the department of sanitation?

2 A. I worked for the New York City Police Department
3 traffic division.

4 Q. How long did you work for the traffic division?

5 A. Since 2003 or 2002.

6 Q. What sort of work did you do before that?

7 A. That was it.

8 Q. Were you employed at all before you worked for
9 the traffic division?

10 A. No.

11 Q. What were your job duties and responsibilities
12 with the department of sanitation as of September 2, 2020?

13 A. I have a route and I pick up garbage.

14 Q. Where is your route?

15 A. In the Bronx.

16 Q. How long have you been assigned to that route?

17 A. Since I started.

18 Q. So you have had the same route throughout your
19 whole tenure at the department of sanitation?

20 A. Yes.

21 Q. As a sanitation worker, are you assigned to just
22 driving the truck, do you do additional responsibilities
23 like what specifically are your responsibilities on that
24 route?

25 A. Actually I make sure I pick up the garbage from

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1 schools, residential areas, and couple of prisons that are
2 over there, and also during the wintertime, I also plow
3 snow.

4 Q. Do you actually pick up the garbage bags and put
5 them into the back of the garbage truck?

6 A. Yes.

7 Q. Is that the same sort of work you were doing on
8 September 2, 2020?

9 A. Yes.

10 Q. Do you ever drive the truck?

11 A. Yes, every day.

12 Q. You do both driving and putting the garbage in
13 the back?

14 A. Yes.

15 Q. That would have applies as of September 2, 2020?

16 A. Yes.

17 Q. Have you ever been disciplined by the department
18 at sanitation for attendance issues?

19 A. No.

20 Q. Have you ever been suspended while employed by
21 the department of sanitation?

22 A. No.

23 Q. Have you ever been put on modified duty while
24 employed by the department of sanitation?

25 A. No.

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1 Q. Has there been a period of your life where you
2 were unemployed?

3 A. Yes.

4 Q. In what period of time was that?

5 A. I would say from 1999 until maybe 2003.

6 Q. How did you support yourself financially during
7 that period?

8 A. My wife supported me.

9 Q. Joy Harris?

10 A. Yes.

11 Q. Have you ever been fired from a job?

12 A. No.

13 Q. Have you ever been accused of lying, dishonesty
14 or stealing in connection with a job?

15 A. No.

16 Q. Have you ever been reprimanded by an employer?

17 A. Yes.

18 Q. How many times?

19 A. One time.

20 Q. When was that?

21 A. I was working for the department of traffic and I
22 had an incident with a motorist who I was assaulted by and
23 I got reprimanded for that.

24 Q. What were the consequences of that reprimand?

25 A. A thirty day suspension.

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1 Q. Was that with or without pay?

2 A. Without pay.

3 Q. When approximately did that occur?

4 A. I don't remember the dates, but I did get
5 suspended for thirty days.

6 Q. What was the reason why you were suspended?

7 A. I am not quite sure, but it got thrown out.

8 Q. What do you mean it got thrown out?

9 A. The charges got through out. The motorist
10 pressed charges on me.

11 Q. You mean criminal charges or something through
12 the department of traffic?

13 A. Through the department of traffic.

14 Q. Were you arrested in connection with that
15 incident?

16 A. Yes, I was brought in.

17 Q. What were you charged with?

18 A. I think, I am not quite sure what the charges
19 were. I don't remember.

20 Q. Did you assault or physically injure the
21 motorist?

22 A. No, sir.

23 Q. Have you ever been suspended at any other point
24 in your employment with the department of traffic?

25 A. No.

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1 Q. Were you ever put on modified duty when you were
2 a traffic enforcement agent?

3 A. No.

4 Q. Do you do any volunteer work?

5 A. Not as of lately.

6 Q. When was the last time you did volunteer work?

7 A. Every Thanksgiving and Christmas I go down to the
8 mission shelter in the village and I volunteer at the
9 kitchen.

10 Q. Did you do that Thanksgiving and Christmas 2020?

11 A. No.

12 Q. When was the last year you did that?

13 A. The last time I did it was 2019.

14 Q. Is your wife Joy Harris currently employed?

15 A. Yes.

16 Q. By who?

17 A. She works for Hunts Point. She does public
18 safety.

19 Q. Is that a security company or what kind of
20 company is it?

21 A. It is something like a security company. Yes.
22 It is public safety.

23 Q. It is a private employer, it is not a city
24 agency?

25 A. Yes, it is private.

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1 Q. How long has she worked for them?

2 A. I am not quite sure. It has been over ten years.

3 Q. Was she employed on September 2, 2020?

4 A. Yes.

5 Q. By who?

6 A. Hunts Point Public Safety.

7 Q. Has she ever been employed by the City of New
8 York?

9 A. I can't remember.

10 Q. What sort of work does Joy Harris does for Hunts
11 Point Public Safety?

12 A. She is a lieutenant. She oversees, I don't know
13 how many officers, are under her, but she is a lieutenant.
14 Excuse me. She just got promoted she is a chief.

15 Q. When did she get promoted?

16 A. Approximately six months ago.

17 Q. So is it fair to say on September 2, 2020 she was
18 a lieutenant?

19 A. Yes.

20 Q. Is Joy Harris licensed to carry a firearm as part
21 of her job duties?

22 A. Yes.

23 Q. Was she licensed to carry a firearm on September
24 2, 2020?

25 A. Yes.

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1 Q. How long has she had a license to carry a
2 firearm?

3 A. I am not quite sure.

4 Q. Are you licensed to carry a firearm?

5 A. No, sir.

6 Q. Have you ever been licensed to carry a firearm?

7 A. No, sir.

8 Q. Was your son Brian Harris, Junior employed on
9 September 2, 2020?

10 A. No, not that I know of.

11 Q. Was your son Brian Harris licensed to carry a
12 firearm on September 2, 2020?

13 A. No, sir.

14 Q. Has he ever had a license to carry a firearm to
15 your knowledge?

16 A. No, sir.

17 Q. On September 2, 2020, were you a member of a gym?

18 A. No.

19 Q. As of September 2, 2020 did you exercise
20 regularly?

21 A. Yes.

22 Q. How often would you exercise?

23 A. Every day.

24 Q. What sort of exercises did you do?

25 A. Calisthenics.

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1 Q. What do you mean by that?

2 A. Push-ups, pull-ups, sit-ups, jumping jacks.

3 Q. As of September 2, 2020 how many push-ups would
4 you do a day?

5 A. Fifty maybe five times.

6 Q. So five times five two hundred and fifty total?

7 A. Yes.

8 Q. As of September 2, 2020 how many pull-ups would
9 you do when you exercised?

10 A. A set of ten, ten times, one hundred.

11 Q. And what were the other exercises you said you
12 did in addition to pull-ups and push-ups?

13 A. Sit-ups and pull-ups.

14 Q. As of September 2, 2020 how many sit-ups would
15 you do on a daily basis?

16 A. Maybe three hundred.

17 Q. How long had you been doing that exercises regime
18 as of September 2, 2020?

19 A. Every day for as long as I can remember.

20 Q. Have you ever claimed unemployment benefits?

21 A. No.

22 Q. Have you ever received Workers' Compensation
23 benefits?

24 A. No.

25 Q. Have you ever received Social Security disability

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1 benefits?

2 A. No.

3 Q. Have you ever received Public Assistance of any
4 kind?

5 A. No.

6 Q. Have you ever received food stamp?

7 A. No.

8 Q. Have you ever received housing assistance?

9 A. No.

10 Q. Have you ever received Medicaid?

11 A. Yes.

12 Q. When?

13 A. Probably when I was living with my parents.

14 Q. Is this when you were a minor under the age of
15 eighteen?

16 A. Yes.

17 Q. Have you ever received Medicaid at any other
18 point in your life as an adult?

19 A. Not that I can remember, no.

20 Q. Have you ever received Medicare benefits?

21 A. No.

22 Q. Shawanna Scott in addition to having a lease for
23 a New York City Housing Authority building, does she
24 receive any Public Assistance?

25 A. No.

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1 Q. Does she receive food stamps?

2 A. No.

3 Q. Does she receive Medicaid?

4 A. No.

5 Q. Does she receive cash assistance?

6 A. No.

7 Q. The only sort of public assistance Shawanna Scott
8 received is housing through NYCHA?

9 A. Yes.

10 Q. Prior to September 2, 2020 had you ever suffered
11 any physical ailments?

12 A. No.

13 Q. Prior to September 2, 2020, had you ever suffered
14 any broken bones?

15 A. No.

16 Q. Prior to September 2, 2020, had you ever suffered
17 any spinal injuries?

18 A. Yes.

19 Q. What sort of the spinal injuries?

20 A. I had an operation on the back of my neck for C4,
21 C5, C6 and C7 was replaced with titanium.

22 Q. Why did you have that operation?

23 A. The discs were compressed against my spinal cord
24 causing numbness in my right and left side.

25 Q. How did that ailment come about?

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1 A. I am not quite sure.

2 Q. Was it because you suffered some kind of an
3 injury?

4 A. No.

5 Q. Aside from that surgery you just described, had
6 you ever had any other injuries before September 2, 2020?

7 A. No.

8 Q. Had you ever suffered from any chronic illnesses
9 or diseases?

10 A. No.

11 Q. Prior to September 2, 2020 had you ever injured
12 your left wrist?

13 A. No.

14 Q. Have you ever used any illegal drugs?

15 A. No.

16 Q. Have you ever used marijuana?

17 A. No.

18 Q. Have you ever used alcohol.

19 A. No never.

20 Q. Have you ever received treatment for drug or
21 alcohol abuse?

22 A. No.

23 MR. ARKO: I have one document I want to
24 have deemed marked Exhibit A.

25 (Whereupon, Plaintiff's Response to

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1 Interrogatories was marked as Defendant's Exhibit
2 A for identification as of this date by the
3 Reporter.)

4 Q. Mr. Harris, can you see the document on your
5 screen?

6 A. Yes.

7 Q. Do you recognize what this document is? And I
8 can scroll through it if you would like me to.

9 A. Please.

10 Q. Tell me if you want me to stop it at any point.

11 A. Stop.

12 Q. Do you recognize what this document is?

13 A. Yes.

14 Q. What is this?

15 A. I think that is the, I don't quite know the name
16 of it.

17 Q. What is your understanding of what this document
18 is?

19 A. I can't describe it.

20 Q. Have you ever seen it before?

21 A. Not that I know of, but I know what it is. I
22 don't know the technical name of it.

23 Q. Let me scroll to the second to the last page. Do
24 you recognize this? This is page twenty of Defendants' A.
25 Do you recognize this page?

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1 A. Yes.

2 Q. What do you recognize this page to be?

3 A. Something I had to sign with an electronic
4 signature for my lawyer.

5 Q. This signature on the signature line, is that
6 your signature?

7 A. Yes, it is.

8 Q. What was your understanding of why you were
9 signing this document?

10 A. I am not quite sure right now at this moment.

11 Q. At you sit here today, you don't understand why
12 you signed this?

13 A. I understand why I signed it.

14 Q. What is your understanding?

15 A. It is giving my attorneys permission for them to
16 use it.

17 Q. To use it for what?

18 A. Whatever they needed.

19 Q. I am going to read what it says above the date
20 line to you, it says: I Brian Harris under penalty of
21 perjury pursuant to the 28th USC Section 1746 affirm I have
22 reviewed the interrogatory responses and they are to the
23 best of my knowledge true and correct. Do you understand
24 what that means, sir?

25 A. Yes, sir.

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1 Q. What does that mean to your understanding?

2 A. Everything on the document is true and I
3 acknowledge that.

4 Q. Did you review the responses to the
5 interrogatories that are referenced in this verification?

6 A. Yes.

7 Q. Were all those responses true to the best of your
8 knowledge when you signed this on September 8th?

9 A. To the best of my knowledge, yes.

10 Q. Prior to the arrest on September 2, 2020, had you
11 ever been arrested before?

12 A. When I was a minor.

13 Q. Well, let me rephrase the question. Prior to
14 being arrested on September 2, 2020, how many times had you
15 been arrested?

16 A. I think once that I can recall.

17 Q. What year would that have been?

18 A. I don't recall.

19 Q. How old were you at that time?

20 A. Maybe eighteen or seventeen.

21 Q. What were you arrested for on that occasion?

22 A. Fare beating.

23 MS. KAUFMAN: Note my objection to this
24 entire line of questioning as irrelevant. I will
25 permit Mr. Harris to answer.

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1 Q. Just so I understand it sounds like you were
2 arrested for jumping the turnstile at a subway station?

3 A. Yes.

4 Q. What was the outcome of that arrest?

5 A. I think I did community service.

6 Q. Did you plead guilty?

7 A. Yes.

8 Q. How much community service?

9 A. I think it was either two days or it was longer.
10 I don't recall.

11 Q. Did you have to pay a monetary fine as a result
12 of that conviction?

13 A. Not that I can remember.

14 Q. How much time did you spend in police custody as
15 a result of that arrest?

16 A. A couple of hours.

17 Q. Were you released from a police precinct before
18 being taken to court?

19 A. I do not remember.

20 Q. Did you appear in court for that arrest?

21 A. Yes.

22 Q. Did you spend any time incarcerated for that
23 arrest?

24 A. I don't remember. I don't think so.

25 Q. Did you complete your community service?

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1 A. Yes.

2 Q. Did you spend any time in jail because of that
3 arrest?

4 A. No.

5 Q. Aside from the one arrest you just described have
6 you been arrested at any other times setting aside the one
7 that is at issue in this lawsuit?

8 A. My wife was arrested.

9 Q. I am not asking you about your wife. Have you
10 been arrested at any other times?

11 A. Besides the traffic, no.

12 Q. You mentioned earlier something that happened
13 when you were employed by the traffic enforcement division,
14 that was an arrest too, correct?

15 A. Okay. Yes.

16 Q. I thought that was your answer. Maybe I
17 misunderstood. Were you arrested in connection with that
18 incident you described earlier when you were a traffic
19 enforcement agent?

20 A. Yes.

21 Q. What year did that occur?

22 A. I don't remember.

23 Q. Were you convicted of a crime in connection with
24 that arrest?

25 A. No, not that I know of, no.

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1 Q. Did you spend any time in jail as a result of
2 that arrest?

3 A. No.

4 Q. How much time did you spend in police custody as
5 a result of that arrest?

6 A. None. I went to the precinct and they let me go.

7 Q. Did you ever appear in court for that arrest?

8 A. Yes.

9 Q. How many times?

10 A. Once.

11 Q. What happened at that court appearance?

12 A. I think it was dismissed.

13 Q. Aside from those two arrests have you ever been
14 arrested at any time before September 2, 2020?

15 A. No.

16 Q. Have you been arrested since September 2, 2020?

17 A. No.

18 Q. Have you ever had a warrant issued for your
19 arrest?

20 A. No.

21 Q. Have you ever been extradited from one city to
22 another for a criminal offense?

23 A. No.

24 Q. Have you ever been convicted of a crime in any
25 state outside of New York?

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1 A. No.

2 Q. Have you ever been arrested in a state outside of
3 New York?

4 A. No.

5 Q. Other than what you already testified to have
6 there ever been other circumstances that caused you to
7 spend time in police custody?

8 A. No, not that I can recall, no.

9 Q. Other than what you already testified, were there
10 any other circumstances that caused you to spend time in
11 the New York City department of corrections?

12 A. No.

13 Q. Have you ever spent time in the custody of New
14 York State department of corrections?

15 A. No.

16 Q. Have you ever been to jail before?

17 A. No.

18 Q. Have you ever spent time incarcerated on Riker's
19 Island?

20 A. No.

21 Q. Have you ever been on probation?

22 A. No.

23 Q. Have you ever been on patrol?

24 A. No.

25 Q. Have your son Brian Harris, Junior ever been

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1 arrested before?

2 A. Yes.

3 Q. How many times?

4 A. Once.

5 Q. When was that?

6 MS. KAUFMAN: I am going to object. Can I
7 just ask the relevancy of this? Where is this
8 going because it does not strike me as
9 particularly relevant to anything in this case.

10 MR. ARKO: I do think it is relevant because
11 the son is kind of, even without being in the
12 lawsuit, a pretty important figure in what
13 happened here. I am not going to ask him a lot
14 of questions. I just want to know when the
15 arrest was and what the offense was. I do think
16 it is relevant because it could shape what Mr.
17 Harris was thinking at the time he encountered
18 the police.

19 MS. KAUFMAN: I think if it is sealed then,
20 and I don't know if Mr. Harris knows, if it is
21 sealed or not then, you know, that is certainly
22 irrelevant and improper. And I think I will
23 probably say that we object to this line of
24 questioning.

25 Do you feel you can move on from this and we

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1 can, you know, think about it and maybe come back
2 to it later? Let's think if there is any other
3 way for you to get this information if you want
4 it. I don't think it is appropriate for Mr.
5 Harris to be testifying about it.

6 MR. ARKO: I would like to discuss it with
7 you without Mr. Harris being present.

8 MS. KAUFMAN: We can take a break and maybe
9 Mr. Harris can step away for a few minutes.

10 MR. ARKO: It looks like Mr. Harris has left
11 the room. I think it is fair for me to ask
12 because his reaction upon arriving at the
13 hospital is a little hard to explain based on
14 what he said since he does not know if his son is
15 alive or dead or what condition he is in, and it
16 seems like his primary interest is trying to get
17 this car out of the area. I am not going to ask
18 a lot of questions, but I think it is fair for me
19 to know what Mr. Harris' understandings is of
20 what his son's criminal history is and if that
21 impacted the way he acted when he arrived on the
22 scene.

23 So, again, I am not trying to, I am not
24 going to ask a million questions about it, I just
25 want to know as of the date of the incident what

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1 he knew his son's criminal history to be how many
2 times he had been arrested and what he had been
3 arrested for.

4 MS. KAUFMAN: Sure. I would just say a
5 couple of things. One, if you want to ask about,
6 you know, adult convictions and things that are
7 not sealed that is fine. If you want to ask Mr.
8 Harris about his, you know, his mental
9 impressions given, you know, as he approached,
10 given his understanding of his son, I think that
11 is fine too. I don't think that necessarily
12 means you have to ask questions about things that
13 have been sealed or, you know, un-convicted
14 offenses from when he was a minor. I think we
15 can limit it to both adult convictions and, of
16 course, anything you want to ask about his mental
17 impression, I think that would be fair game.

18 MR. ARKO: So adult convictions, would you
19 allow him to answer if I asked as of September 2,
20 2020, did you know if your son had ever been
21 arrested before and how many times and what had
22 he been arrested for?

23 MS. KAUFMAN: I will not let him answer
24 that.

25 MR. ARKO: What is the basis for that?

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1 MS. KAUFMAN: He said they are sealed. I
2 don't know. I don't know. I can say right now I
3 don't know. I imagine it is possible that he is
4 going to be testifying to sealed information.

5 MR. ARKO: I think it is fair game for me
6 to ask. I understand what you are saying about
7 what he was thinking when he got there. I still
8 think it is a fair question for me to say what
9 did you know about your son's criminal history as
10 of September 2, 2020.

11 MS. KAUFMAN: That is a different question
12 than the question you just asked which was what
13 was he arrested for and at what time and for what
14 offense, which is a question I think we really
15 would object to. If you want to ask him
16 generally speaking what was his understanding of
17 this son's criminal history, I will probably give
18 him an instruction not to answer to any specific
19 arrests and dates and times and offenses, but if
20 he wants to describe generally his thoughts about
21 that, I will let him answer that question with a
22 limiting instruction.

23 MR. ARKO: What if we marked just those
24 portions of that answer confidential if I ask him
25 how many times he had been arrested and what he

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1 had been arrested for and what did you know about
2 this as of the date of the incident.

3 MS. KAUFMAN: I don't think we have a
4 protective order in this case. My instinct is
5 still no. I think if they are sealed, I mean,
6 even candidly like his own testimony about things
7 that are sealed are not necessary and improper,
8 and I let him answer because I think it is
9 relevant because he has the false arrest claim.
10 But when it comes to somebody else's sealed
11 records, I don't it is proper to have him testify
12 to that. I would still instruct him no.

13 MR. ARKO: I might mark this for a ruling.
14 I may have to revisit it depending on what
15 happens later on in the deposition. In the
16 meantime, I will ask him about what, if any,
17 convictions he is aware that his has as an adult
18 now. But I may want to come back to this and get
19 a ruling later on.

20 MS. KAUFMAN: Of course, that is less messy.

21 MR. ARKO: Can we take a break?

22 MS. KAUFMAN: Sure.

23 (Whereupon, a short recess was taken.)

24 Q. So, Mr. Harris, does your son have any adult
25 criminal convictions you are aware of?

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1 A. Yes.

2 Q. How many?

3 A. One.

4 Q. When is that conviction from?

5 A. I am not quite sure of the date.

6 Q. Do you know what year it is from?

7 A. No.

8 Q. What is the conviction for?

9 A. He got arrested for some kind of gang
10 involvement.

11 Q. What was the charge he was convicted of?

12 A. I am not quite sure. I think conspiracy.

13 Q. Did he spend any time incarcerated because of
14 that conviction?

15 A. Yes.

16 Q. How much time?

17 A. Six months on Riker's Island.

18 Q. Was that conviction from before September 2,
19 2020?

20 A. Yes.

21 Q. Do you know, to your knowledge, does he have any
22 other criminal convictions besides that?

23 A. No.

24 Q. I just want to ask you, we talked about your
25 criminal history. You described two arrests one for fare

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1 evasion when you were a minor and one for this incident
2 when you got into an altercation when you were employed by
3 the traffic division, correct?

4 A. Correct.

5 Q. Aside from those times, have you ever been arrest
6 on any other occasion before September 2, 2020?

7 A. Not that I can recall.

8 Q. Have you taken out any litigation loan in
9 connection with the lawsuit?

10 A. I don't comprehend this question.

11 Q. Have you taken any loans you have to pay back
12 contingent on whether you get any money in connection with
13 this lawsuit?

14 A. No.

15 Q. Do you have any social media accounts?

16 A. No.

17 Q. None at all?

18 A. No.

19 Q. Do you have a facebook account?

20 A. No.

21 Q. Do you have an instagram account?

22 A. No.

23 Q. Do you have a twitter account?

24 A. No.

25 Q. You have no social media accounts at all?

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1 A. No, sir.

2 Q. As of September 2, 2020, did you have any social
3 media accounts?

4 A. No.

5 Q. Have you ever had any social media accounts at
6 any point in your life?

7 A. No.

8 Q. Have you ever posted anything on any social media
9 account about your encounter with the police on September
10 2, 2020.

11 A. No.

12 Q. Have you ever posted anything on any social media
13 account about this lawsuit?

14 A. No.

15 Q. Have you ever posted anything on any social media
16 account about police officers?

17 A. No.

18 Q. Have you ever posted anything on any social media
19 account about the NYPD?

20 A. No.

21 Q. To your knowledge, has anybody ever posted
22 anything on a different social media account held by
23 someone other than you about your encounter with the police
24 on September 2, 2020?

25 A. No.

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1 Q. And, to your knowledge, did anybody else post on
2 any social media accounts about this lawsuit?

3 A. No.

4 Q. Does your son have any social media accounts?

5 A. Yes.

6 Q. To your knowledge, has he ever posted anything
7 about this incident or this lawsuit on his social media
8 accounts?

9 A. No.

10 Q. Does your wife Joy Harris have any social media
11 accounts?

12 A. No.

13 Q. Does Shawanna Scott have any social media
14 accounts?

15 A. Not that I know of.

16 Q. Just so I understand is it fair to say as far as
17 you know there are no social media postings anywhere in
18 existence about this incident; is that correct?

19 A. Yes, correct.

20 Q. And as far as you know there are no social media
21 accounts in existence anywhere about this lawsuit; is that
22 correct?

23 MS. KAUFMAN: Objection to form.

24 A. Correct.

25 Q. I am now going to turn your attention to the

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1 incident you allege in your complaint. What day of the
2 week was September 2, 2020?

3 A. What day of the week?

4 Q. What day the week?

5 A. I don't remember.

6 Q. How did this incident begin?

7 A. I am received a phone call from my wife.

8 Q. What time did you get that phone call?

9 A. 3:30 a.m.

10 Q. What was the substance of that phone call?

11 A. That our son had been in an incident.

12 Q. What sort of incident?

13 A. A shooting incident.

14 Q. And was your wife the only person on the line
15 when she called you?

16 A. Yes.

17 Q. What specifically did she tell you about this
18 incident?

19 A. That our son had been shot.

20 Q. Did she tell you where he had been shot?

21 A. No.

22 Q. Did she tell you where in his body he had been
23 shot?

24 A. No.

25 Q. Did she tell the location, where within the city

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1 he had been shot?

2 A. Yes.

3 Q. Where had he been shot? What was the location?

4 A. She didn't tell he where in the city he was shot.
5 She knew where he was at.

6 Q. Where was he when she called you?

7 A. Yes.

8 Q. Where was your son when your wife called you?

9 A. In the hospital.

10 Q. Which hospital?

11 A. Mount Sinai Hospital on 113th and Amsterdam
12 Avenue.

13 Q. Was that the first time you learned your son
14 Brian Harris, Junior had been shot?

15 A. Is that the first time I heard my son Brian
16 Harris had been shot?

17 Q. Yes.

18 A. Yes, correct.

19 Q. Did your wife give you any details about the
20 shooting when she called you that first time?

21 A. No. She didn't know any details.

22 Q. When your wife called you, when you first learned
23 about this, did you learn what condition your son was in?

24 A. No.

25 Q. Did you know if he was alive or deceased?

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1 A. We didn't know.

2 Q. How did your wife first learn about this?

3 A. Some guy called her.

4 Q. When you say some guy, do you know how it was
5 that called?

6 A. No.

7 Q. Did the person who called your wife, to your
8 knowledge, identify himself?

9 A. No.

10 Q. Do you know how that person got your wife's phone
11 number?

12 A. No.

13 Q. Do you know as you sit here today who that person
14 was?

15 A. No.

16 Q. Where were you when you received this phone call?

17 A. Getting ready for work.

18 Q. Would that be at Shawanna Scott's apartment where
19 you are now?

20 A. Yes.

21 Q. So the call did not wake you up?

22 A. No.

23 Q. What time did you wake up that morning?

24 A. About maybe 3:30. I wake up the same time.

25 Q. What time was your shift with the department of

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1 sanitation begin?

2 A. 6:00 a.m.

3 Q. Were you expected to report to work at 6:00 a.m.
4 on September 2, 2020?

5 A. Yes.

6 Q. Was anyone else in the apartment with you when
7 you received this phone call?

8 A. Yes.

9 Q. Who was that?

10 A. Shawanna Scott.

11 Q. Anybody besides her?

12 A. No.

13 Q. When you receive the phone call, did you speak to
14 Shawanna Scott about it?

15 A. No.

16 Q. Why not?

17 A. Because I didn't feel like telling her.

18 Q. You said when you received the call you were
19 getting ready for work, right?

20 A. Yes.

21 Q. What were you doing to that effect?

22 A. Showering.

23 Q. Were you surprised to receive this phone call?

24 A. Mortified.

25 Q. How did the phone call you received affect you

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1 emotionally?

2 A. To this day it tears me up. I relive that phone
3 call in my head multiple times a day every day.

4 Q. Had your son ever been shot before September 2,
5 2020?

6 A. No.

7 Q. How old was your son on September 2, 2020?

8 A. Twenty-five.

9 Q. What number did your wife call you from to inform
10 you of this?

11 A. 917-418-4086.

12 Q. That is her cellphone?

13 A. Yes.

14 Q. What time did you go to bed the night before?

15 A. I always go bed before nine o'clock.

16 Q. Is it fair to say you went to bed before nine on
17 September 1, 2020?

18 A. Yes.

19 Q. What did you do on September 1, 2020?

20 A. I went to work. I walked my dogs and I came
21 home.

22 Q. When you went to bed on September 1, 2020, did
23 you know where your son Brian Harris, Junior was?

24 A. Yes.

25 Q. Where was he?

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1 A. In his house.

2 Q. How did you know that?

3 A. I spoke to him.

4 Q. When did you speak to him?

5 A. I speak to him every day.

6 Q. What time did you speak to him on September 1,
7 2020?

8 A. We speak multiple times a day.

9 Q. Do you remember how many times you talked to him
10 on September 1, 2020?

11 A. No.

12 Q. Do you remember what time was the last call you
13 had with him on September 1, 2020?

14 A. No.

15 Q. What did you talk about when you spoke with him
16 on September 1, 2020?

17 A. Everything, memories, what are you doing. I
18 always do a safety check on him to see how he is doing.

19 Q. You do that every day?

20 A. All the time.

21 Q. Why do you do that?

22 A. Because the neighborhood we live in is very
23 violent and just out of concern, just force of habit me
24 asking him what are you doing, how are you doing, it is
25 just to check his whereabouts and me expressing my concern

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1 for my son.

2 Q. When you went to bed on September 1, 2020 did you
3 know if your son had any plans for the night of September
4 1st to September 2nd, 2020?

5 A. No. I did not know.

6 Q. You did know if he did or didn't have plans?

7 A. I didn't know if he did or not, no.

8 Q. Did discuss with him when you spoke to him about
9 what he was going to do that night?

10 A. No.

11 Q. When was the last time saw your son before
12 September 2, 2020?

13 A. I don't recall.

14 Q. When was the last time you saw your wife Joy
15 Harris before September 2, 2020?

16 A. I don't recall.

17 Q. When is the last time you spoke to your wife Joy
18 Harris before September 2, 2020?

19 A. Mostly every day.

20 Q. Do you specifically recall when you last spoke to
21 her?

22 A. Probably the same day.

23 Q. Which would be what?

24 A. September 1st.

25 Q. Do you specifically recall speaking to her on

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1 September 1st?

2 A. Not really. We speak every day. That is why I
3 am speaking in general.

4 Q. In terms of your answer when you say you spoke to
5 your son on September 1, 2020, do you have a specific
6 recollection of talking to him that day?

7 A. Yes.

8 Q. Just so I understand to your recollection what
9 specifically did you talk about on September 1, 2020 with
10 your son?

11 A. I am not quite sure of the conversation, but we
12 speak all the time, text or talk.

13 Q. What is the first thing you did after you learned
14 your son had been shot?

15 A. I jumped up to get dressed, and I called my wife
16 to come get her, because she didn't have a vehicle because
17 my son had it.

18 Q. When you say you jumped up and got dressed were
19 you in bed when you got the phone call?

20 A. No, I was in the shower.

21 Q. So when you spoke to your wife that first time,
22 when she called you, did you arrange to come pick her up
23 during that call or did you call her back to make those
24 arrangements?

25 A. Repeat the question.

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1 Q. You said you jumped up and you called your wife
2 to go pick her up?

3 A. Yes.

4 Q. Was this one phone call that you had with your
5 wife when she informed you about what happened and you
6 arranged to pick her up or was that two separate phone
7 calls?

8 A. I am not quite sure.

9 Q. To your recollection, did you make any outgoing
10 phone calls when you still in your apartment after your
11 wife called you?

12 A. I can't recall that day.

13 Q. Where were you going to pick your wife up?

14 A. At her apartment.

15 Q. That one on Sedgwick Avenue?

16 A. Yes.

17 Q. How far is from the apartment you were in on
18 Watson Avenue?

19 A. Approximately maybe two to three miles.

20 Q. What car were you driving to pick her up?

21 A. I was driving a 2018 or 2017 Nissan Rouge black.

22 Q. Who car was that?

23 A. Shawanna Scott's.

24 Q. So where was that blue Tahoe that night?

25 A. Little Brian had it.

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1 Q. How do you know he had it?

2 A. Because my wife Joy told me.

3 Q. When did she tell you that?

4 A. When we met up with the EMS.

5 Q. So as of when you got the first phone call from
6 your wife telling you your son had been shot, did you know
7 how he got to the hospital?

8 A. No. Actually the guy who called my wife said to
9 her that they dropped him off at the emergency room.

10 Q. And did your wife tell you that is what she had
11 been told when you spoke to her?

12 A. Yes.

13 Q. Did you ever speak to this guy that called your
14 wife?

15 A. No.

16 Q. Did you know if the car that your son had been
17 dropped off in was the one that belonged to you?

18 A. Yes.

19 Q. How did you know that was the car?

20 A. My wife told me.

21 Q. Is this what she was told by the male who called
22 her?

23 A. Yes.

24 Q. Where was the black Yukon that night?

25 A. Parked.

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1 Q. Where?

2 A. 1836 Watson Avenue.

3 Q. Why didn't you take that car?

4 A. It is too big, and too much gas and I always use
5 Shawanna Scott's vehicle.

6 Q. Where did you pick up your wife?

7 A. 1849 Sedgwick Avenue at her apartment.

8 Q. How long did it take you to get from Sedgwick
9 Avenue to Watson Avenue?

10 A. Probably fifteen minutes.

11 Q. How long did it take from when you received the
12 phone call from your wife to get in the car and start
13 driving there?

14 A. I don't recall. It was pretty fast.

15 Q. What were you wearing when you left the apartment
16 on Watson Avenue?

17 A. I had on a white T-shirt, gray shorts with some
18 sneakers.

19 Q. Between when you ended the phone call with your
20 wife and you picked her up on Sedgwick Avenue, did you make
21 any outgoing phone calls?

22 A. Not that I can recall.

23 Q. Between when you ended the phone came with your
24 wife and you picked her up on Sedgwick Avenue did you
25 receive any additional incoming phone calls?

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1 A. No.

2 Q. What happened when you arrive at the Sedgwick
3 Avenue apartment to pick up your wife?

4 A. She told me that the guy said that, what he did
5 as far as dropping my son off at the hospital and he left
6 and where he placed the key at to the vehicle.

7 Q. This information about where the key to the
8 vehicle was, did you learn that for the first time when you
9 picked your wife up Sedgwick Avenue?

10 A. Yes.

11 Q. So she didn't tell you about that on the phone
12 when you spoke to her earlier?

13 A. No, not that I can recall.

14 Q. Do you know when your wife first learned that
15 information about where the keys were?

16 A. Right now I can't recall.

17 Q. Do you know if your wife received any additional
18 phone calls from this male caller aside from the first one
19 she got?

20 A. No.

21 Q. So, to your knowledge, your wife only spoke to
22 this male one time?

23 A. Yes, correct.

24 Q. Did your wife or you know the phone number this
25 person was calling from?

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1 A. No.

2 Q. What did you learn about where the key was
3 placed?

4 A. Repeat please.

5 Q. What did your wife tell you about where to the
6 keys to the car were?

7 A. She told me it was at a mailbox on 125th Street
8 and Amsterdam Avenue right next to Dunkin Donuts.

9 Q. Did your wife tell you anything more about this
10 situation when you picked her up at Sedgwick Avenue?

11 A. She told me that the key was on Amsterdam and
12 125th by the Dunkin Donuts. I told her don't worry about
13 the key. I will drop at her off at the emergency room and
14 I will go and handle the key.

15 Q. After you picked your wife up at Sedgwick Avenue
16 where did you go?

17 A. We went straight to the emergency room.

18 Q. What condition was your wife in when you picked
19 her up?

20 A. She was calm.

21 Q. To your knowledge, did your wife know what
22 condition your son was in at that time?

23 A. No.

24 Q. How long did it take you to get from Sedgwick
25 Avenue to the hospital?

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1 A. There was minimal traffic at that time. I would
2 say anywhere from fifteen to twenty minutes.

3 Q. Did you and your wife speak to each other as you
4 drove to the hospital?

5 A. As I can remember, I was more in shock. I don't
6 recall what the conversation was.

7 Q. You may not recall the substance but to your
8 recollection did you have a conversation on the way to the
9 hospital?

10 A. Yes.

11 Q. You just don't remember what it was?

12 A. Yes.

13 Q. Did you receive any phone calls as you and your
14 wife drove to the hospital?

15 A. Not that I can recall.

16 Q. Did your wife receive any phone calls as the two
17 of you drove to the hospital?

18 A. Not that I can recall.

19 Q. Did you make any outgoing phone calls as you
20 drove to the hospital?

21 A. No.

22 Q. Did your wife make any outgoing phone calls as
23 you drove to the hospital?

24 A. No.

25 Q. As you drove to the hospital did you or your wife

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1 make any efforts to ascertain what condition your son was
2 in?

3 A. No.

4 Q. Why not?

5 A. Because we didn't know who to ask until we got to
6 the emergency room.

7 Q. Did you know what hospital he had been brought
8 to?

9 A. Yes.

10 Q. Which hospital was that?

11 A. Mount Sinai.

12 Q. Did you or your wife try to get a phone number
13 for Mount Sinai to call and find out what condition he was
14 in?

15 A. No.

16 Q. Did you or your wife at any point call 911 to
17 alert the police this had happened?

18 A. No.

19 Q. Why not?

20 A. Because pretty much she got all the details and
21 out of shock and panic we tried to get there as quick as
22 possible. So that is how it happened. I guess the
23 adrenaline was running and out of shock we just tried to
24 get there as fast as possible.

25 Q. Did you know how to get from Sedgwick Avenue

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1 apartment to Mount Sinai Hospital without looking for
2 directions?

3 A. Yes.

4 Q. How did you know how to get there?

5 A. I am familiar with the area. I used to live
6 130th and Amsterdam Avenue.

7 Q. So is it fair to say you knew where Mount Sinai
8 Hospital was right away?

9 A. Yes.

10 Q. What happened when you arrived at the hospital?

11 A. I dropped my wife off first. She went to the
12 emergency room as I made a U-turn to go back to retrieve
13 the key to the car.

14 Q. Where specifically did you drop her off?

15 A. 113th Street and Amsterdam Avenue on the
16 northbound side.

17 Q. Mount Sinai is a big hospital what is at that
18 area you dropped her off at?

19 A. I stand corrected. I dropped her off on the
20 southbound side. I was coming southbound on Amsterdam
21 going up the hill and I made a U-turn to go back northbound
22 on Amsterdam. When I made the U-turn I let her off at the
23 corner of the hospital which is on the southeast corner of
24 Amsterdam.

25 Q. And 113th Street?

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1 A. And 113th Street.

2 Q. Is that the entrance to the emergency room or why
3 specifically did you leave her there?

4 A. You have to walk in 113th Street and maybe
5 approximately fifty feet from corner is the entrance to the
6 emergency room.

7 Q. When you dropped your wife off, did you see the
8 blue SUV that belonged to you at that point?

9 A. No.

10 Q. What did your wife do when you dropped her off?

11 A. She went directly to the emergency room. I
12 didn't speak to her after that.

13 Q. What did you do after you dropped her off?

14 A. I drove back northbound to 125th and Amsterdam to
15 retrieve the key to the car.

16 Q. When you dropped your wife off at the hospital
17 did you exit the vehicle as well?

18 A. No.

19 Q. When you dropped your wife off at the hospital,
20 did you ask anyone at the hospital about your son's
21 condition?

22 A. No.

23 Q. When you dropped your wife off at the hospital,
24 did you ask anyone anything about your son at all?

25 A. No.

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1 Q. Why not?

2 A. Where I made the U-turn at I did not see the
3 scene. When I was coming southbound up Amsterdam before
4 you pass the intersection I made the U-turn before that.
5 So I didn't see the scene.

6 Q. But you didn't make any effort when you dropped
7 your wife off at the hospital to find out what condition
8 your son was in?

9 A. Correct.

10 Q. Why not?

11 MS. KAUFMAN: Objection to form.

12 A. One, because I knew she would be there for him.
13 And two, I did not want her to interact if there was a
14 problem with retrieving the key. So we split up. I
15 dropped her at the hospital to check on Little Brian. And
16 I went to go retrieve the key in case there was any kind of
17 incident. If the guy who called her, was there.

18 Q. I see. Just so I understand you were concerned
19 about whether the caller might be where the key was
20 located?

21 A. Absolutely.

22 Q. When you dropped your wife at the hospital did
23 you know where your blue SUV was?

24 A. No.

25 Q. How much time did you spend at the hospital

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1 dropping your wife off?

2 A. It was quick in and out.

3 Q. So after you dropped your wife off, that is when
4 you headed uptown to 125th and Amsterdam, right?

5 A. Yes.

6 Q. How far is 125th and Amsterdam from where you
7 dropped your wife off at the hospital?

8 A. Less than a mile.

9 Q. Why was going to retrieve the key to the vehicle
10 your first priority at that point?

11 A. I wanted to see if the guy was there who made the
12 phone call so I could have some kind of conversation and
13 see what happened.

14 Q. Why were you doing that before you found out what
15 condition your son was in?

16 A. Because my wife was there and I knew that she
17 would take care of everything.

18 Q. Did you, in fact, drive to 125th and Amsterdam?

19 A. Yes.

20 Q. How long did it take you to get there?

21 A. Less than five minutes.

22 Q. What route did you take to drive from the
23 hospital to 125th and Amsterdam?

24 A. I went in a straight line straight up Amsterdam.
25 When I got to 125th Street and Amsterdam, I made the left

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1 in front of the Dunkin Donuts and I got out there.

2 Q. Was anyone else with you when went to do this?

3 A. Yes.

4 Q. You were by yourself?

5 A. Yes.

6 Q. So you got to 125th and Amsterdam and you turned
7 left on 125th Street?

8 A. Yes.

9 Q. How far down 125th did you go before you stopped?

10 A. Right on the corner.

11 Q. Is there a Dunkin Donuts at that intersection?

12 A. Yes.

13 Q. Where specifically is it located, what corner?

14 A. It is located on the northwest corner.

15 Q. The northwest corner of 125th and Amsterdam?

16 A. Yes.

17 Q. Where were you going to go look for the keys?

18 A. It was said he left it at a mailbox right there
19 on the corner, on the northwest corner of Amsterdam and
20 125th Street.

21 Q. Is there a mailbox at that corner?

22 A. No. I thought it was a mailbox because he stated
23 mailbox the guy according to my wife. It is not a mailbox
24 it is like a wifi stand, them silver things you can charge
25 your phone and make phone calls, I guess. It was not an

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1 actual mailbox.

2 Q. The caller told your wife they are at a mailbox,
3 correct?

4 A. Correct.

5 Q. But when you got to that intersection there is no
6 mailbox there, right?

7 A. No mailbox.

8 Q. Just so I understand is it that you assumed he
9 was referring to this wifi stand?

10 A. I didn't assume. I was looking for a mailbox. I
11 didn't see a mailbox. So I looked around and the key was
12 on the floor next to the wifi stand.

13 Q. Did you find the car key on 125th and Amsterdam?

14 A. Yes.

15 Q. Where did you find them?

16 A. On the ground.

17 Q. Where?

18 A. Next to the wifi stand mailbox.

19 Q. Would that be on the sidewalk or in the street?

20 A. On the sidewalk.

21 Q. How long did you spend looking for them?

22 A. Not long.

23 Q. Approximately how long did you spend looking for
24 them?

25 A. A minute.

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1 Q. Did you have any difficulty finding them?

2 A. No.

3 Q. Did you speak to anyone when you were at the
4 intersection of 125th and Amsterdam?

5 A. No.

6 Q. Did you enter any businesses at the intersection
7 of 125th and Amsterdam when you were looking for the keys?

8 A. No.

9 Q. Did you make any phone calls when you were at the
10 intersection of 125th and Amsterdam?

11 A. Not that I can recall.

12 Q. Did you make any phone calls between when you
13 dropped your wife at the hospital and when you arrived at
14 125th and Amsterdam?

15 A. No.

16 Q. Did you receive any incoming calls when you
17 dropped your wife at the hospital to when you got to 125th
18 and Amsterdam?

19 A. Not that I recall.

20 Q. Did you make any efforts to ascertain your son's
21 condition when you were at the intersection of 125th and
22 Amsterdam?

23 A. No.

24 Q. Why not?

25 A. I don't know. I was still in shock.

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1 Q. Were you concerned about your son at that point
2 in time?

3 A. Absolutely.

4 Q. Why didn't you make any effort to find out what
5 condition he was in?

6 A. To be honest, I don't know the protocol of
7 something like that. Nothing like that ever happened to
8 me. I don't know the protocol or the right thing to do
9 when you are in a situation like that. I was in shock. I
10 was in shock.

11 Q. Did anyone help you look for the keys at 125th
12 and Amsterdam?

13 A. No.

14 Q. Was this just a solidary car key or was it on a
15 key ring with other keys?

16 A. It was two keys with a key fob alarm.

17 Q. Was anything missing from the key ring when you
18 found it by the wifi stand?

19 A. Not that I know of, no.

20 Q. What did you do after you found the keys?

21 A. I got back in the car and headed southbound up
22 Amsterdam.

23 Q. Where were you going?

24 A. To 113th Street to the emergency room to go check
25 on my son.

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1 Q. Did you arrive back at the emergency room?

2 A. I didn't quite get in there yet, but I did drive
3 to the location.

4 Q. After you left the location where you found the
5 keys where did you drive to?

6 A. Straight up to the emergency room on 113th
7 Street.

8 Q. Did you stop the car at some point?

9 A. Yes, I made a left on 113th and parked the car on
10 the right-hand side opposite the emergency room.

11 Q. Was it a legal parking spot?

12 A. Yes.

13 Q. How long did it take you to get from 125th and
14 Amsterdam to where you parked your car on 113th?

15 A. Approximately five minutes.

16 Q. During that drive from 125th and Amsterdam back
17 to the hospital, did you receive any incoming phone calls?

18 A. Not that I am aware of.

19 Q. Did you make any outgoing phone calls?

20 A. No.

21 Q. What time was it when you arrived at 113th and
22 parked the car?

23 A. I don't recall at this time.

24 Q. Why did you stop and park where you did on 113th
25 Street?

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1 A. Because when I made the left on 113th Street,
2 that's the first time I seen the blue Chevy Tahoe.

3 Q. Where was it when you first saw it?

4 A. When I first saw it it was angle parked directly
5 in the emergency room driveway with the doors open.

6 Q. How many of the doors were open when you first
7 saw it?

8 A. I think, from what I recall, what I remember,
9 maybe the passenger side and the driver's door.

10 Q. Were you surprised to see the car parked there?

11 A. I was mortified when I seen the car parked there.

12 Q. Why?

13 A. Because at that point I thought my son was dead.

14 Q. Why did you think that at that moment in time?

15 A. Because just to see my property in there and the
16 way it was, the way the car was positioned, I had all kinds
17 of thoughts running through my mind.

18 Q. What sort of thoughts did you have running
19 through your mind at that time?

20 A. How can something like this happen to me. How
21 can I allow something like this to happen to my child. I
22 just felt like a failure as a father without knowing his
23 condition whether he was alive or dead. I was just
24 traumatized and shocked just to see that, that whole scene.

25 Q. Just so I understand the blue SUV, was it on the

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1 street or on the sidewalk, how was it positioned?

2 A. From what I can remember, it was parked at an
3 angle like half on the street and half on the sidewalk.

4 Q. Was the engine on or off?

5 A. I don't recall. The engine had to be off because
6 I had the key. So the engine was off.

7 Q. When was the last time you saw that car before
8 you laid eyes on it on September 2, 2020?

9 A. I don't recall.

10 Q. When was the last time you were in that car
11 before September 2, 2020?

12 A. I don't recall.

13 Q. I know you and your wife were the two registered
14 owners of that car. But who was the primary driver of the
15 car as of September 2, 2020?

16 A. My son and my wife.

17 Q. Did you ever drive that car as of September 2,
18 2020?

19 A. No.

20 Q. Do you recall when the last time was you drove
21 it?

22 A. No.

23 Q. When you first saw your car parked on 113th
24 Street were there any people around it?

25 A. Yes, there were several officers around it.

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1 Q. How many officers were around it?

2 A. Approximately five or six.

3 Q. How did you know they were officers?

4 A. They were in uniform.

5 Q. All of them were in uniform?

6 A. Not that I can recall.

7 Q. You don't recall if they were all in uniform?

8 A. Most of them were.

9 Q. So you don't recall if any were not in uniform;
10 is that correct?

11 A. Correct.

12 Q. Did you ever see any of those police officers
13 before?

14 A. No.

15 Q. Did you know why the officers were there?

16 A. No.

17 Q. Did you have any idea in your mind about why the
18 officers might be standing around your car?

19 A. No.

20 Q. What were the officers doing when you first laid
21 eyes on them?

22 A. Standing.

23 Q. Were they doing anything other than standing?

24 A. No.

25 Q. Where were they positioned?

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1 A. Maybe ten to fifteen feet away from the vehicle.

2 Q. When you first saw those officers, did you think
3 they might have anything to do with the fact your son had
4 been shot?

5 A. No, not really.

6 Q. Did you think that the police would get involved
7 with this situation your son having been shot?

8 A. I don't understand the question.

9 Q. Did it ever occur to you before you got arrested
10 that the police might be getting involved with the fact
11 your son had been shot?

12 A. I don't know.

13 Q. What did you do once you got out of your vehicle
14 you were driving and you saw your car parked there?

15 A. When I got out of the vehicle when I first parked
16 there, I identified myself as the owner of the vehicle and
17 it was my son who was shot.

18 Q. Who did you make that statement to?

19 A. To an officer who had a white shirt.

20 Q. Did you speak to the officers first or did they
21 speak to you first?

22 A. I spoke to them first.

23 Q. When you exited the vehicle you had been driving,
24 what were you planning to do at that moment in time?

25 A. Nothing, I just wanted to find out the condition

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1 of my son and let them know I was the registered owner of
2 the vehicle.

3 Q. So is it fair to say when you got back to the
4 hospital you still didn't know what condition your son was
5 in?

6 A. Correct.

7 Q. Once you got out of your car, so said you
8 identified yourself to the officers and said your son was
9 the one who had been shot, did you say anything more than
10 that?

11 A. Yes, I kept repeating I am the registered owner
12 of the vehicle. That is my vehicle.

13 Q. Did the officers say anything to you in response?

14 A. As I can recall, I think they said step away from
15 the vehicle.

16 Q. As you were making this statement to the police,
17 and you were identifying yourself and saying the things you
18 described, what were you physically doing with your body?

19 A. I was walking towards the officers. I was
20 walking towards officers because as I am walking closer to
21 the officers they are coming closer to the vehicle. So now
22 approximately there is maybe five or eight feet in between
23 the vehicle.

24 Q. Why were you walking towards them?

25 A. I was walking towards them to see the condition

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1 of my son and also to let them know, I am the registered
2 owner of the vehicle, that was my vehicle.

3 Q. Did you ask the officers at any point what
4 condition your son was in?

5 A. No.

6 Q. Did you continue approaching your car?

7 A. Yes.

8 Q. What were you planning to do as you approached
9 the car?

10 A. When I approached the car I notice my son's
11 baseball cap on the ground and I noticed blood all in the
12 passenger seat.

13 Q. What were you planning to do as you walked closer
14 to the car?

15 A. I wasn't planning on doing anything.

16 Q. Why did you approach the car then?

17 A. Because I seen what I was looking at, I really
18 didn't know at that point when I approached the car and I
19 seen all the blood and I seen his hat on the floor, that is
20 when I, as I can remember, I was just in shock at that
21 moment. I still didn't know, I still didn't know the
22 condition of my son.

23 Q. As you walked up to the car, did the police
24 saying anything to you?

25 A. Not that I can remember. I know there was some

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1 conversation, but I do not recall what it was.

2 Q. As you walked towards the car, do you remember
3 the officers tell you to back away from the car?

4 A. Not that I can recall.

5 Q. What happened as you approached the car?

6 A. What I remember is approaching the car and seeing
7 the blood and seeing the hat on the floor but I just
8 remember some conversation between the officer and myself
9 but I don't recall the substance of the conversation.

10 Q. What is the next thing you remember?

11 A. The next thing I remember after that was the
12 officers coming to rush me. And all I can recall is them
13 saying taze him, taze him, like multiple times before being
14 tazed. So after I was tazed, I was just out for a second
15 because when I got tazed it felt like a thousand electric
16 volts going through my body. I had no control over my body
17 as I went down.

18 Q. Just so I understand, are you saying from when
19 you exited your car and you identified yourself to the
20 officers, from that moment in time until you got tazed, you
21 don't have any specific recollection of what you said to
22 the officers?

23 MS. KAUFMAN: Objection.

24 A. No. I seen the video. I know there was some
25 kind of conversation, but I don't remember, I don't recall

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1 what was being said.

2 Q. Between that period of time from when you got out
3 of the car you were driving and identified yourself until
4 you were tazed, do I understand you correctly you don't
5 recall what the officers said to you?

6 MS. KAUFMAN: Objection.

7 A. Yes.

8 Q. Did you understand that the police were telling
9 you to back away from the car?

10 A. No, I didn't. As I said, I recall there was some
11 conversation with the police when I reviewed the tape. But
12 I don't recall actually hearing them say back away from the
13 car, back away. At the time the incident happened I don't
14 recall hearing them officers say back away from the
15 vehicle.

16 Q. Not based on what you saw on the video, what you
17 are saying is as you sit here today you don't believe you
18 heard the officers telling you to back away from the car?

19 MS. KAUFMAN: Objection.

20 A. Yes.

21 Q. You are saying you don't think you heard what
22 they were telling you?

23 MS. KAUFMAN: Objection.

24 A. Correct.

25 Q. Did you see that portion of the video?

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1 A. Yes, correct.

2 Q. As you sit here today do you realize the officers
3 were telling you to back away from the car?

4 A. Right.

5 Q. As you sit here today, do you realize you did not
6 follow that instruction the officers gave you?

7 MS. KAUFMAN: Objection. You can answer.

8 A. No.

9 Q. What do you mean by that?

10 A. Meaning at the time of the incident when this
11 occurred it was, I still was in shock, so I really, I don't
12 know what was going on in between that moment, between, uh,
13 between the officers and me, because I was still in shock
14 from seeing all the blood and his hat on the floor which I
15 brought him that hat so I knew it was him.

16 Q. Did you think there was something in the car that
17 might get your son into trouble?

18 A. No.

19 Q. Did you think there was something in the car that
20 might get your wife into trouble?

21 A. No.

22 Q. Did you think there was something in the car that
23 could get you into trouble?

24 A. No.

25 Q. Did you think there were drugs in the car?

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1 A. No.

2 Q. Did you think there was a weapon in the car?

3 A. No.

4 Q. Were you worried you were going to get a parking
5 ticket for the way the blue SUV was positioned?

6 A. No.

7 Q. Why did you continue walking to the car even
8 though you had been instructed to back away?

9 MS. KAUFMAN: Objection. You can answer.

10 A. Like I said before, I was in shock. I don't
11 know. I still didn't know the condition of my son, and I
12 was just. I don't know.

13 Q. I think I was trying to ask you this before. You
14 have seen the video of what happened just before you got
15 tazed, correct?

16 A. Yes.

17 Q. As you sit here today, you understand the
18 officers were telling you repeatedly to back away from the
19 car, correct?

20 MS. KAUFMAN: Objection. You can answer.

21 A. Yes.

22 Q. As you sit here today you understand you did not
23 comply with that directive to back away from the car,
24 correct?

25 MS. KAUFMAN: Objection.

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1 Q. I will rephrase the question. As you sit here
2 today, not what you knew at the time, but as you sit here
3 today, you understand you did not comply with the officers
4 directive to back away from the car, correct?

5 MS. KAUFMAN: Objection. You can answer.

6 A. No.

7 Q. You don't understand that?

8 A. No.

9 Q. Why don't you understand that?

10 A. Because looking at the video everything happened
11 so fast, in real time everything happened so fast. And I
12 didn't hear anybody say step away from the vehicle. I was
13 concerned with my son at the time. The blood just freaked
14 me out, and everything happened so fast.

15 Q. So is it your testimony that back when this was
16 happening, as you were walking up to the car, you were
17 unable to hear what the officers were saying you?

18 A. Yes, after I seen the blood and the hat
19 everything was kind of a blur.

20 Q. When did everything start to become a blur?

21 A. As soon as I made the left turn on 113th Street
22 and noticed my vehicle.

23 Q. So you had the presence of mind, to tell the
24 police you were the father of the victim and the owner of
25 the car?

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1 A. Yes.

2 Q. But you do not have the presence of mind to hear
3 what the officers were saying to you?

4 A. Yes, after the fact when I seen his property on
5 the floor and the blood, yes, I was scared, I was confused,
6 I was afraid. I had all kind of thoughts running through
7 my mind like how could I let this happen to my child. I
8 was just in shock.

9 Q. When did you first lay eyes on the hat?

10 A. When I approached the vehicle and let them know
11 the vehicle was registered to me and belonged to me.

12 Q. When did you first lay eyes on the blood?

13 A. At the same time.

14 MS. KAUFMAN: Can we break for lunch?

15 MR. ARKO: This is as good a time as any.

16 (Whereupon, a short recess was taken.)

17 Q. When was the first time you saw the video that
18 depicts this incident we are talking about?

19 A. I don't recall the date. I would say it was say
20 maybe two or three months ago, maybe a little longer than
21 that. I don't have a timeframe.

22 Q. How many times have you seen the video that
23 depicts this incident?

24 A. I don't really watch the video. I watched it
25 may, ah, not necessarily all through. I only watched it in

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1 a particular order because every time I watch the video I
2 relive this incident all over.

3 Q. Did you review the testimony from your 50(h)
4 hearing in preparation for this deposition?

5 A. Yes.

6 Q. When did you review your 50(h) testimony?

7 A. I don't recall the specific date.

8 Q. As of when you testified for your 50(h) hearing,
9 had you seen the body camera video?

10 A. Yes.

11 Q. I am going to ask you to answer these questions
12 not based on what you know today, and not from what you
13 have seen on the video, but from what you knew as this was
14 unfolding on September 2, 2020, do you understand?

15 A. Yes.

16 Q. As this what happening on September 2, 2020 is it
17 your testimony you could not hear what the officers were
18 saying to you before you were tazed?

19 MS. KAUFMAN: Objection. You can answer.
20 You can always answer over objection unless I
21 tell you not to.

22 A. Can you repeat the question, please?

23 Q. As this was happening on September 2, 2020, do I
24 understand you that your testimony is you could not hear
25 what the officers were saying to you before you were tazed?

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1 A. Correct.

2 Q. Is it correct you could not understand what they
3 were telling you to do before you were tazed?

4 MS. KAUFMAN: Objection.

5 A. Correct.

6 Q. Why didn't you do what the poise were telling you
7 to do?

8 MS. KAUFMAN: Objection.

9 A. Honestly I don't know. I don't know.

10 Q. Why didn't you back away from the car like they
11 told you to?

12 MS. KAUFMAN: Objection.

13 A. I don't know.

14 Q. Did you understand as this was happening that the
15 police were safeguarding that car as evidence of the
16 shooting?

17 MS. KAUFMAN: Objection.

18 A. No.

19 Q. Did you understand that the police were
20 safeguarding the car so you wouldn't touch it or no else
21 would touch it?

22 MS. KAUFMAN: Objection.

23 A. No.

24 Q. Aside from saying you were the owner of the car
25 and your son had been shot, did you say anything else to

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1 the officers before you were tased?

2 A. I don't remember.

3 Q. Did you have anything in your hands before you
4 were tased?

5 A. Yes.

6 Q. What did you have?

7 A. I had the key that I retrieved from 125th Street
8 and I had my cellphone in my hand, I think.

9 Q. What hand were the keys in?

10 A. I can't recall. I am going to guess the right
11 hand.

12 Q. You don't recall for certain?

13 A. Not really.

14 Q. Do you recall which hand your cellphone was in?

15 A. I don't recall. I would guess left.

16 Q. As this exchange was taking place that you said
17 you don't remember, what physically were you doing with
18 your body?

19 A. At what point?

20 Q. During that whole exchange. I know you said you
21 don't remember what the officers said and you don't
22 remember what you said to them. But what were you doing as
23 that exchange was taking place before you got tased?

24 A. I know I always have my hands visible. I don't
25 want -- when approaching officers I know that you always

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1 have your hands clear to let them know it is not a threat.
2 I am pretty sure my hands were visible because I had that
3 instilled in my brain. You know, if you are dealing with
4 any officer and me being me to have my hands visible to
5 make sure I am not a threat. So I am pretty sure I had my
6 hands visible so they could see as I approached them.

7 MR. ARKO: It looks like Mr. Lieb has
8 rejoined us.

9 MR. LIEB: Indeed I have.

10 Q. Where were your hands as this exchanged was
11 occurring?

12 A. They was in front of me.

13 Q. Do you recall specifically where your left hand
14 was during the exchange that was going on with the police?

15 A. No, because during the exchange with the police
16 as we were by the car my hands, everything happened so
17 fast, when they approached me my hands was up already.

18 Q. What do you mean when they approached you your
19 hands were up, at what point in time are you referring to?

20 A. Before I was tased.

21 Q. How many times did you raise your hands up over
22 your head before you were tased?

23 A. I don't recall, but I am pretty sure my hands
24 was, I know I raised my hands because as they approached me
25 I kind of turned to guard myself as I seen them approaching

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1 me. As they approached me that's when we went towards the
2 inside of the passenger side.

3 Q. Did you raise your hands up at any point before
4 that?

5 A. Not that I recall, but I am pretty sure my hands
6 were visible at all times.

7 Q. What sort of voice did you use when you spoke to
8 the officers?

9 A. I am pretty sure it was, it wasn't a threatening
10 tone, because like I said I really know how to approach.
11 It was not in a threatening tone. It was a little raised
12 but it was not in a threatening tone.

13 Q. Do I understand you feel you know how to talk to
14 and approach the police out in public?

15 A. Absolutely.

16 Q. Did you see the body camera video of you
17 approaching the police in this incident?

18 A. Absolutely.

19 Q. Do you think that was the correct way to approach
20 the police?

21 MR. KAUFMAN: Objection.

22 A. Yes, when I first get out of the car, yes.

23 Q. Based on what you saw in the video, at some point
24 did you start to act in a way that was not appropriate?

25 MS. KAUFMAN: Objection.

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1 A. I don't really, um, honestly I don't know whether
2 that was appropriate or not because everything happened so
3 fast I don't know.

4 Q. Did you ever comply with the officers directives
5 they were giving you?

6 MS. KAUFMAN: Objection.

7 A. Can you repeat the question again?

8 Q. Did you ever comply with the directives that the
9 officers were giving you?

10 A. I didn't hear any directives.

11 Q. Is it fair to say if they had given you
12 directives you would not have complied with them?

13 MS. KAUFMAN: Objection.

14 A. No.

15 Q. Why not?

16 A. Because like I said, I grew up in a rough area
17 and I always know to comply. Not only working for the
18 NYPD, even though I wasn't a cop, growing up myself I
19 always complied and I teach my kids to comply because a
20 simple thing like that can turn out like it turned out
21 today.

22 Q. You saw the video of what happened before you
23 were tased, correct?

24 A. Correct.

25 Q. Did you see yourself complying with what the

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1 officers were telling you to do in that video?

2 A. I didn't hear any, as I can remember, I don't
3 remember hearing any directives from the time I got out of
4 the car.

5 Q. I am asking you a different question. I am
6 asking you based on when you went saw the video of what you
7 were doing before you were tased, did you ever comply with
8 what the officers were telling you to do in the video?

9 A. Honestly, I don't know, I really don't know how
10 to answer that question.

11 Q. I am going to have to insist you do. I mean this
12 is a lawsuit you have brought and this is very important to
13 the allegation you are making. So I will ask you the
14 question again. Based on what you saw in the video, did
15 you ever comply with what the officers were telling you to
16 do before you got tased?

17 A. Well, like I said I can't answer that because I
18 never heard any of the officers giving me kind of
19 directives or orders.

20 Q. I am going to ask you one more time. I am not
21 asking you what you heard. I am not asking you what you
22 are claiming you knew at the time. I am asking what you
23 saw when you watched the video after the incident. From
24 what you saw in the video, did you ever comply with what
25 the officers were telling you to do?

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1 MS. KAUFMAN: Objection.

2 A. No.

3 Q. Did you tell the officers get away from me?

4 A. As I remember, I don't remember saying that, but,
5 of course, we have some kind of conversation with the video
6 and I said get away from me with my hands up.

7 Q. Why did you say that to them?

8 MS. KAUFMAN: Objection.

9 A. Because I was afraid for my life and I didn't
10 want them near me.

11 Q. Why were you afraid for your life?

12 A. Being a black male and growing up in that area
13 you try to have no police contact whatsoever.

14 Q. So why were you afraid for your life?

15 A. It was my instinct because in that situation, I
16 didn't know how that whole situation was going to end up.
17 I didn't know if I was going to end up dead or in jail or
18 anything. I don't know.

19 Q. Did you tell the officers you can't tell me what
20 to do with my property?

21 A. I don't recall saying that, but in the video it
22 states I did say that.

23 Q. Why did you say that?

24 A. I honestly don't know.

25 Q. Did you tell the officers you already looked

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1 inside the car?

2 A. Not that I can recall.

3 Q. Did you believe that the officers, as this was
4 happening on September 2, 2020, did you believe the
5 officers had already searched the car?

6 A. I have no idea.

7 Q. Did the officers tell you this is a crime scene?

8 A. If they did, I did not hear that.

9 Q. Did the officers tell you if you don't back away
10 you are going to be under arrest?

11 A. Again, at that point if they did tell me that I
12 did not hear it.

13 Q. Did it ever occur to you that the police might
14 have been telling you to back away from the car because it
15 might have been relevant to the shooting of your son?

16 A. Again, being honest, I don't know. I don't know.

17 Q. Did you not care if the officers arrested you?

18 A. Of course, I cared.

19 Q. Did you understand you would be placed under
20 arrest if you did not back away from the car?

21 A. I understand that, yes.

22 Q. Did you understand that at the time all this was
23 happening?

24 A. No, sir.

25 Q. How is it that you understand this now but you

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1 did not back at the time?

2 A. Because at the time when this whole incident
3 occurred it happened so fast I don't recall. I honestly
4 don't recall.

5 Q. Was there anything the officers could have said
6 to you that would have prompted you to back away from the
7 car?

8 MS. KAUFMAN: Objection.

9 A. From seeing the video, they could have approached
10 me a little different.

11 Q. I am not asking what you saw in the video. I am
12 asking you given your state of mind back at the time on
13 September 2, 2020, is there anything the officers could
14 have said to you that would have prompted you to back away
15 from the car like they were telling you to do?

16 MS. KAUFMAN: Objection.

17 A. I honestly can't answer that question because I
18 don't recall that particular moment.

19 Q. As the officers were speaking to you did you
20 continue to walk closer to the car?

21 A. No.

22 Q. As the officers were speaking to you, did you
23 turn your back on them at any point?

24 A. No.

25 Q. Did one of the officers tell you to turn around

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1 and put your hands behind your back?

2 A. On the video yes.

3 Q. At the time this was happening, did you hear an
4 officer say turn around and put your hands behind your
5 back?

6 A. No.

7 Q. After an officer said turn around and put your
8 hands behind your back, did you say get away from me, don't
9 touch me?

10 A. From the video, yes.

11 Q. Why did you say that at that point in time?

12 MS. KAUFMAN: Objection.

13 A. Again, I don't recall saying anything of that.

14 Q. As you sit here today, do you have an
15 understanding of why you said that at that time?

16 A. No, honestly I don't.

17 Q. You understand that when the officers tells you
18 to put your hands behind your back and your respond by get
19 away from me, that is not complying with what the officers
20 told to you do?

21 A. I understand that.

22 Q. You understand that when the officer tells you to
23 put your hands behind your back and you say get away from
24 me, that is resisting what the officer is telling you to
25 do, right?

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1 MS. KAUFMAN: Objection.

2 A. I understand that.

3 Q. Did you hear an officer say the word taser?

4 A. Yes.

5 Q. When was the first time you heard an officer say
6 the word taser?

7 A. The first time the officer said taser was after
8 they all rushed me. And as they came to rush me, I turned
9 and then when they all jumped on me, that is when he said
10 tase him, tase him multiple times.

11 Q. Just so I understand did you hear the word taser
12 before or after the officers rushed you?

13 A. After.

14 Q. So the first thing according to you is the
15 officers rushed you, right?

16 A. Yes.

17 Q. Then after that you hear the word taser for the
18 first time; is that what you are saying?

19 A. Yes.

20 Q. How many of the officers rushed you according to
21 you?

22 A. Approximately maybe three. I am not quite sure.

23 Q. When you say they rushed you, what do you mean by
24 that?

25 A. I was facing towards them, and I was by the

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1 passenger side door and as they was coming towards me my
2 first initial reaction was to guard myself so I turned, I
3 tried to turn by back to them. And at the same time I
4 turned my back to them that's when they all jumped on me.

5 Q. It looked like you were gesturing a bit there.
6 You said the officers rushed at you and you turned away
7 from them, what did you do with your hands at that moment
8 in time?

9 A. My hands were up.

10 Q. Were they above your head?

11 A. They was right by my head.

12 Q. In what direction did you turn at that point?

13 MS. KAUFMAN: Are you asking him to testify
14 from his recollection, or from the video because
15 obviously that has been an issue and I think it
16 has been clear on the record so far and I want to
17 make sure it continues to be clear.

18 Q. Based on your recollection as you are sitting
19 here today the testimony about how you raised your hands up
20 is that based on what you remember as you sit here today or
21 what you saw happening in the video?

22 A. Based on what I remember.

23 Q. Based on what you remember today, what direction
24 did you turn in after you raised your hands up?

25 A. I turned left.

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1 Q. And that would be towards the car that at that
2 point, right?

3 A. Yes.

4 Q. Why did you raise your hands and turn towards the
5 car when the officers approached you?

6 MS. KAUFMAN: Objection.

7 A. Still even when I came out of the car, like I
8 said, always have your hands visible. You always want to
9 have your hands visible to let them know you are no threat.

10 Q. Why did you turn away from them when they started
11 to approach you?

12 A. Just to shield myself.

13 Q. What were you shielding yourself for?

14 A. From them either choking me or either worse or
15 pulling out a weapon or to just still hold up my hands and
16 to let them know I am no threat. To let them know that
17 there was not going to be any confrontation.

18 Q. Why did you think the officers were approaching
19 you at that time?

20 A. It happened so fast they didn't give me time to
21 really comply.

22 Q. Did you understand as they were approaching you,
23 they were going to place you under arrest?

24 A. No.

25 Q. Maybe I asked this already. Why did you think at

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1 that time back when this was happening, why did you think
2 they were approaching you?

3 A. I am not quite sure.

4 Q. Did you have any suspicion at all about why they
5 were doing that?

6 A. No, sir.

7 Q. What happened after you turned to your left?

8 A. After I turned to my left, they rushed me. And
9 as they rushed me, they didn't get a chance to put
10 handcuffs or nothing, they just said tase him, tase him
11 they repeated that multiple times. And when they tased,
12 that is when I went down.

13 Q. When was the first time an officer made physical
14 contact with you?

15 A. Honestly, I don't remember. It happened so fast.

16 Q. As you sit here today, to your recollection, did
17 you first have an officer make physical contact with you
18 before or after you were tased?

19 A. Before.

20 Q. Which officer first made contact with you?

21 A. I think it was the white shirt.

22 Q. How many officers were in white shirts?

23 A. One.

24 Q. Do you know that officer's name?

25 A. No, sir.

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1 Q. Can you describe what that officer looked like
2 beyond he was wearing a white shirt?

3 A. Short white male. He was maybe five seven. He
4 had a faded haircut.

5 Q. What color was his hair?

6 A. Blond or grayish.

7 Q. When that officer made contact with you, how did
8 he do for the first time?

9 A. He had first contact, and then the rest of them,
10 because they all came in all at the same time.

11 Q. I understand that. But how did that officer
12 first come into physical contact with you?

13 A. I think he tried to grab me. I am not quite
14 sure. I don't remember.

15 Q. What part of your body did he try to grab?

16 A. I am not quite sure to be honest with you.

17 Q. What did you do when that officer tried to grab
18 you?

19 A. They all came at me at once and I turned to the
20 left to prepare, to brace myself.

21 Q. So you were turning away from them as they
22 approached you, right?

23 MS. KAUFMAN: Objection.

24 A. Just out of reaction still with my hands up
25 letting them know I was not a threat even though they

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1 rushed me.

2 Q. How was putting your hands up supposed to let
3 them know you were not a threat?

4 A. In a situation like that you can wind up being
5 shot, you can wind up coming out in a worse situation then
6 were in. I had it in the back of my mind I didn't want to
7 die.

8 Q. I think maybe I am asking you a different
9 question. How was putting your hands up supposed to signal
10 to the officers you were not posing a threat to them?

11 A. Having your hands up and visible and not being a
12 threat, is something that black people have to do. Because
13 of my size and stature I am six two, and just from looking
14 at me, looks like a threat. So I try to be as
15 nonthreatening as possible, and that is with your hands, by
16 you having your hands up that is supposed to let other
17 people know you are not a threat.

18 Q. Aside from putting your hands up at that moment
19 in time did you do anything else to signal to the officers
20 you were not a threat to them?

21 MS. KAUFMAN: Objection.

22 A. No.

23 Q. You have seen the body camera video we have
24 established that, right?

25 A. Yes.

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1 Q. From what you saw of your own conduct in that
2 video, do you believe you were signaling to the officers
3 were not a threat before you got tased?

4 MS. KAUFMAN: Objection.

5 A. Honestly, I feel the way that my hands was up was
6 not threatening, to let them know I was not a threat. Yes,
7 I felt like I was not a threat.

8 Q. From what you have seen in the body camera video
9 aside from putting your hands up, did you do anything else
10 to signal to the officers that you were not a threat?

11 A. Of course, because I had my hands up, and key in
12 one hand and the phone in the other hand, I don't know
13 which way is which, I am pretty sure just having those
14 things in my hand I was making sure I was not a threat just
15 by having those things in my hand.

16 Q. What about having those things in your hands
17 makes you not a threat?

18 A. Because I can't hurt anybody with a phone. I
19 can't hurt anybody with one key, you know.

20 Q. So what happened when you put your hands up and
21 turned away from the officers; what is the next thing you
22 remember happening.

23 A. The next thing I recall is like I said, all of
24 them rushing all at one time. And it happened so fast, but
25 also I also remember once like -- let me go back a little

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1 bit. From the time I had my hands up, when he yelled tase
2 him, there was kind of hesitation like they could not
3 believe what was going on. You know, when he yelled tase
4 him again that's when they tased me. There was a
5 hesitation in between the first tase.

6 Q. What do you mean by that?

7 A. Because I am remembering, I am recalling that
8 when he said tase him, it felt like the other officers were
9 kind of hesitating. I might have this -- this is what --
10 let me calm down a little bit. What I am trying to say is
11 that this could have been prevented. That is what I am
12 saying. I am just getting a little emotional here.

13 Q. I understand. I am not trying to upset you. I
14 have to ask the questions because they are important to the
15 lawsuit. Why do you think there was, what makes you say
16 there was a hesitation after the one officers said tase
17 him? Let me rephrase the question. What did you see that
18 led you to believe there was a hesitation there?

19 MS. KAUFMAN: Objection.

20 A. The way I felt in that moment there was a
21 hesitation from the first time he said tase him.

22 Q. Which officer said tase him?

23 A. The white shirt. I recall it being the white
24 shirt.

25 Q. What that the same white shirt officer that first

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1 made contact with you or a different one?

2 A. Same one.

3 Q. When that white shirt officer first said tase
4 him, did you hear him say that?

5 A. Yes.

6 Q. Did you understand what he meant when he said
7 tase him?

8 A. Yes.

9 Q. What did you do when you heard that officer say
10 tase him?

11 A. I was in shock. How could that happen so fast.
12 You go from approaching to tasing.

13 Q. What physically did you do when you heard that
14 officer say tase him?

15 A. I didn't do anything.

16 Q. How were you positioned in that moment in time?

17 A. I honestly don't remember.

18 Q. Were you still standing on your feet when you
19 heard them say tase him?

20 A. Yes.

21 Q. Where were your hands when you heard the officer
22 say tase him for the first time?

23 A. I don't remember, sir.

24 Q. When you heard the officer say tase him for the
25 first time was this before or after you turned to your left

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1 away from the officers that were approaching you?

2 MS. KAUFMAN: Objection to form.

3 A. Before.

4 Q. Just so I understand the order. You hear an
5 officer say tase him, correct?

6 A. Yes.

7 Q. After that is when you start to turn away from
8 the officers, right?

9 MS. KAUFMAN: Objection.

10 A. Correct.

11 Q. What happened after that?

12 A. After all of them jumped on me, and I was tased
13 that is when I blacked out and I fell on the floor.

14 Q. A few more questions about before that moment in
15 time, how many times did you hear an officer say tase him?

16 A. Maybe three or four or five times, anywhere
17 between that.

18 Q. You heard as this was happening three and four or
19 five times an officer say tase him, right?

20 A. Yes.

21 Q. Did you understand what that meant might have
22 happen to you at that moment in time?

23 A. Repeat that.

24 Q. I will rephrase the question. When you heard an
25 officer say tase him that number of times, what did you

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1 understand that to mean?

2 A. That meant to me there was a hesitation for him
3 to repeat tase him, tase him, tase him.

4 Q. Did you understand what it meant when the officer
5 said tase him?

6 A. The first time or?

7 Q. At any point in time did you understand what the
8 officer meant when he said that?

9 A. Yes.

10 Q. When was the first time you understood what he
11 meant when he said that?

12 A. After probably the third time he said that.

13 Q. What did you understand that to mean?

14 A. Meaning that he was committed to arrest me.

15 Q. On September 2, 2020 do you know what it meant to
16 be tased?

17 A. I knew what it meant to be tased, but I never
18 felt like I needed to be tased.

19 Q. On September 2, 2020 did you know what a taser
20 was?

21 A. Yes.

22 Q. Did you know what a taser did?

23 A. Yes.

24 Q. When you heard the officer say tase him for the
25 first time, did you understand that meant you might be

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1 tased by the police?

2 A. Repeat the question.

3 Q. When you heard the officer say tase him for the
4 first time, did you understand that meant you might be
5 tased by the police?

6 A. That I might be tased by the police?

7 Q. Yes. Did you understand that?

8 A. Not at that point, no.

9 Q. Why not?

10 A. Because maybe that was a scare tactic.

11 Q. When you heard the officer say tase him for the
12 second time, did you understand that meant you might be
13 tased by the police?

14 A. At that point, yes.

15 Q. Why did you have change of understanding before
16 the first and second time?

17 A. Between the first and second time there was a
18 hesitation.

19 Q. What about the second time gave it a different
20 meaning to you?

21 A. The second time, I guess, when he said it the
22 second time, they comprehended it, meaning they the
23 officers.

24 Q. Then you heard the officer say tase him a third
25 time, right?

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1 A. Yes.

2 Q. On the third time did you understand that meant
3 you maybe be tased by the police?

4 A. I understood that, but also between the second
5 and the third time, the officers still didn't tase me so I
6 figured that it was still a threat, but I knew it was
7 serious at that point.

8 Q. When you heard the officer say tase him the
9 fourth time did you think you were going to be tased at
10 that point?

11 A. I think it was done at that point.

12 Q. Between when you heard the officer say tase him
13 the first time and when you actually got tased, aside from
14 putting your hands up in the air, did you do anything else
15 to signal to the officers you were not going to resist
16 them?

17 MS. KAUFMAN: Objection.

18 A. At no point did I try to resist them. There was
19 no resistance at all. It all happened so fast. Like I
20 said, when they tased, when they came in I turned.

21 Q. Aside from that, did you do anything else to
22 signal to the officers you were not threat to them, between
23 when the officer said tase him for the first time and when
24 you got tased?

25 A. Holding your hands up is enough to show that you

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1 are resisting or any kind of threat.

2 Q. Just so I understand you is holding your hands up
3 the all the only thing you did to signal you were not a
4 threat?

5 A. Yes, I did that.

6 Q. Did you do anything else?

7 MS. KAUFMAN: Objection.

8 A. I held my hands up.

9 Q. And nothing else; is that correct?

10 MS. KAUFMAN: Objection.

11 A. From what I can remember, I held my hands up as
12 instinct to not be a threat.

13 Q. Did you understand at that time why the officers
14 were tasing you?

15 A. No.

16 Q. When was the first time when you understood you
17 had been tased?

18 MS. KAUFMAN: Objection.

19 A. The first time I noticed that is when the female
20 officer who put the cuffs on me.

21 Q. The questions is: When did you first understand
22 the reason you had been tased, not that you had been but
23 the reason the police tased you?

24 MS. KAUFMAN: Objection.

25 A. I just felt they were being overly aggressive.

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1 Q. When did you first learn, maybe you don't agree
2 with it, but when did you first learn what the police's
3 reason was in their minds for tasing you?

4 A. I felt they didn't have a reason.

5 Q. Did there ever come a point in time you
6 understood the reason the police tased you was because you
7 would not back away from the car?

8 A. No. I felt like everything was said and done as
9 far as the police so they might as well go through with it.

10 Q. Where on your body did you get tased?

11 A. I got tased on my left hip.

12 Q. How many times did you get tased?

13 A. I got tased once and three prongs stuck in my
14 side.

15 Q. At any point before you were tased did you try to
16 back away from the car?

17 A. Repeat please.

18 Q. At any time before you were tased did you try to
19 back away from the car?

20 A. No.

21 Q. At any point before you were tased did you put
22 your hands behind your back to be put in handcuffs?

23 A. No.

24 Q. At any point before you were tased did you make
25 any effort to comply with what the officers were telling

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1 you to do?

2 MS. KAUFMAN: Objection.

3 A. My hands was up.

4 Q. Aside from that, did you do anything else to
5 comply with what they were telling you to do?

6 A. Having your hands up is compliance enough.

7 Q. You didn't do anything beside that?

8 A. Beside putting my hands up, no.

9 Q. In between when you heard the officer say tase
10 him for the first time and you actually got tased, did you
11 say anything at all?

12 A. To be honest, I don't remember.

13 Q. What happened when you got tased?

14 A. Can you repeat the question?

15 Q. What happened when you got tased, at that moment
16 in time what happened?

17 A. When I got tased, when I actually got tased it
18 was like I was being electrocuted in slow motion.

19 Q. How did your body respond to that?

20 A. I had no control over my body, none whatsoever.
21 Yes. I had no control over my body. It felt like
22 electricity was running through my whole body. I had no
23 control over it.

24 Q. What happened as you were tased; did you stay on
25 your feet, what happened?

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1 A. No, I actually fell down to the floor on my left
2 side to the ground.

3 Q. How did you land?

4 A. My knee hit first on my left side which caused an
5 abrasion. After that I landed sideways on my hip, and then
6 my left-hand broke the fall when I went down.

7 Q. Which hip hit the ground?

8 A. The left.

9 Q. Your left knee was the first thing to land on the
10 ground?

11 A. Yes.

12 Q. And then your left hip, right?

13 A. Yes.

14 Q. Then what happened after that?

15 A. That is when, I guess, they put the handcuffs on.

16 Q. I think you testified earlier you blacked out for
17 a period of time; did I understand that correctly?

18 A. Yes.

19 Q. When did that happen?

20 A. During the tasing.

21 Q. What is the last thing you remember before
22 blacking out?

23 A. After he tased me and I hit the ground. In
24 between tasing and hitting the ground I blacked out.

25 Q. What is the last him thing you remember before

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1 blacking out though?

2 A. I don't quite remember, but I think it was when
3 the electricity started.

4 Q. What is the next thing you remember after having
5 been blacked out?

6 A. It wasn't for that long. I recall a female
7 putting the cuffs.

8 Q. Were you, in fact, put in handcuffs?

9 A. Yes.

10 Q. By who?

11 A. I think it was a female officer. She had strips
12 on her sleeve. I don't know her name.

13 Q. When you say strips, sergeant strips?

14 A. Sergeant strips.

15 Q. Were you handcuffed in front or behind your body?

16 A. Behind.

17 Q. Did the officer need assistance in putting you in
18 handcuffs or did she do that by herself?

19 A. By herself.

20 Q. How were you position when she put the handcuffs
21 on you?

22 A. On my stomach.

23 Q. Did you say anything after you were put in
24 handcuffs?

25 A. Nothing that I can recall right now.

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1 Q. What is the first thing you remember an officer
2 saying to you after you came to from blacking out?

3 A. I am not quite sure.

4 Q. Did you ask the officer at that point in time
5 what condition your son was in?

6 A. No.

7 Q. Did the officers tell you what condition your son
8 was in?

9 A. Not that I can recall, no.

10 Q. Was your wife present when you were tased?

11 A. After.

12 Q. When did she first get on the scene?

13 A. She first got on the scene when she heard me
14 yelling for help.

15 Q. When was that?

16 A. After I was tased, when I was on the ground I was
17 afraid. I didn't know what was going on, what was
18 happening. I was yelling at the top of my lungs for help.
19 I screamed for help multiple times. I kept saying help me,
20 help me. Yelling. Yelling. So I was yelling so loud it
21 caught the attention of the people inside the hospital who
22 came out.

23 Q. Do you know where your wife was when she heard
24 you yelling?

25 A. I do not know.

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1 Q. When is the first time you remember seeing her on
2 the scene?

3 A. So the other officers came out of the emergency
4 entrance and also my wife came out of the emergency room
5 entrance also.

6 Q. To your knowledge did your wife observe your
7 contact before you were tased?

8 A. No.

9 Q. When you were on the ground in handcuffs did your
10 wife ask you why you had been tased?

11 A. Yes.

12 Q. Did you answer her?

13 A. Not that I can remember. I know we had a
14 conversation because I seen it on the video.

15 Q. As you sit here today do you know what that
16 conversation was?

17 A. She asked me why was I tased. I forget my answer
18 but I know I replied to her.

19 Q. Do you remember setting aside from what you saw
20 on the video what you told her at that time about why you
21 had been tased?

22 A. Yes. I remember because I said that they thought
23 I was going to take the car.

24 Q. So it sounds like you understood why the officers
25 tased you. Even if you don't agree with the explanation

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1 you understood why they did that moments after it happened,
2 correct?

3 MS. KAUFMAN: Objection.

4 A. Yes.

5 Q. You testified earlier that things were a blur
6 from when you got out of the car you drove to the hospital
7 in and you saw your car parked there and there is a period
8 of time things were just a blur, right?

9 A. Yes.

10 Q. So there was a period of time that is a blur.
11 What is the first thing you clearly remember after that
12 blur?

13 A. Well, after that first blur when I seen the blood
14 and the hat, the next thing I remember after that, was the
15 officers yelling tase him, tase him.

16 Q. So you have no specific recollection of what
17 happened between when you got out of the car and before the
18 officers tased you, correct?

19 MS. KAUFMAN: Objection.

20 A. No, I knew what was going on when I got out of
21 the car.

22 Q. So from then until you heard tase him you have no
23 recollection of anything specifically?

24 A. Correct.

25 Q. But then you remember specifically what happened

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1 from when you heard the officer say tase him until you
2 actually got tased?

3 A. Yes.

4 Q. Why is it that you remember that but you don't
5 remember everything leading up to getting tased?

6 MS. KAUFMAN: Objection.

7 A. Because I was terrified for my life, because I
8 knew that wasn't just a threat that they were going to do
9 it, between the first tase him and the second tase him,
10 that was an actual threat.

11 Q. Did the police reposition you at some point?

12 A. Yes, they did.

13 Q. When did that happen?

14 A. After my wife came out and asked was I okay, what
15 were they going to put handcuffs on me for, they called for
16 and EMT, and they wanted to ask me if -- no, they turned me
17 around to sit straight up.

18 Q. Mr. Harris, when you told your wife why you had
19 been tased when you were on the ground in handcuffs what
20 were you basing that answer on?

21 A. I am not quite sure whether I heard them say that
22 I was trying to take the vehicle or get in the vehicle. I
23 am not quite sure, but I am basing my thoughts off that. I
24 am not quite sure when I heard them say I was trying to
25 take the vehicle.

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1 Q. The bottom line within a few seconds of coming
2 out of this blackout as said you understood why this had
3 happened?

4 MS. KAUFMAN: Objection.

5 A. Yes.

6 Q. After you were tased did any of the officers yell
7 at you?

8 A. Not that I can recall.

9 Q. After you were tased did any of the officers
10 curse at you?

11 A. No.

12 Q. After you were tased, did any officers pinch or
13 kick you?

14 A. No.

15 Q. After you were tased, did any of officers use any
16 force on you aside from putting you in handcuffs?

17 A. No.

18 Q. Were you any of the officers disrespectful to you
19 at any point after you were tased?

20 A. No.

21 Q. How long after you were put in handcuffs did the
22 EMTs arrive?

23 A. I am just going to give an approximation and say
24 five to ten minutes.

25 Q. What happened in the intervening time, the five

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1 to ten minutes between when you were handcuffed and the
2 EMTs got there?

3 A. Within that time the arresting officer, which is
4 the sergeant I don't know her name either, she was having a
5 conversation with me. I am not quite sure of the
6 conversation, but as I was sitting there waiting for the
7 EMTs -- I am just trying to play it back to make sure. I
8 am trying to be as accurate as possible. Can I take that
9 back?

10 Q. Just so I understand what are you retracting?

11 A. I am retracting the female officer who put the
12 handcuffs on me having a conversation.

13 Q. I will ask the question again. Between when the
14 handcuffs were put on the EMTs arrived, what happened
15 during that time?

16 A. My wife asked me the question am I okay, what was
17 I being arrested for as I had the conversation with her,
18 she went back, and at that point I still don't know the
19 condition of my son. She went back in. I guess, before
20 that I am not quite sure what happened with the interaction
21 between me and the police and the EMT came.

22 Q. You don't remember your interaction with the
23 police before the EMTs got there?

24 A. Right.

25 Q. Did you say anything to the officers during that

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1 time?

2 A. I remember saying, you know, that my son was
3 shot. My wife got the phone call. I was just explaining
4 the situation of how we got to that point.

5 Q. Did the officers say anything to you about what
6 condition your son was in during that interval between when
7 you got handcuffed and when the EMTs got there?

8 A. Not that I can remember. I know they were asking
9 me what Dunkin Donuts did I get key the from and so on and
10 so forth. Then I heard one of the officers say go to that
11 Dunkin Donuts on 125th Street.

12 Q. As you were on the ground waiting for EMTs to get
13 there, did you feel any physical pain?

14 A. Yeah, I actually did because the adrenaline was
15 going down. My hip was the hurting tremendously. Only at
16 that point I just felt my hip hurting.

17 Q. You didn't feel pain anywhere else?

18 A. Not at that point.

19 Q. Did you ask the police for medical attention?

20 A. They offered me medical attention.

21 Q. Did you accept it?

22 A. Yes.

23 Q. Did you want medical attention?

24 A. Yes.

25 Q. What did you want medical attention for?

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1 A. After they tased me the prongs were imbedded in
2 my skin, in my flesh, and I am pretty sure you can't take
3 that out with your hand.

4 Q. When did they first offer you medical attention?

5 A. I think I recall one of the officers calling for
6 medical attention for me on the radio.

7 Q. Where did the EMTs come from an ambulance or on
8 foot?

9 A. An ambulance.

10 Q. What happened when the EMTs got there?

11 A. The EMTs they are the ones that came and they
12 asked me my name. They asked me if I could get up. I
13 recall saying, no, I can't get up. They assisted me in
14 getting up.

15 Q. Why couldn't you get up?

16 A. Because I was too hurt. I had two prongs in my
17 hip, and in the position I was in, I could not balance
18 myself to get up.

19 Q. So is it you could not stand up because of the
20 way you were position or because you were feeling pain
21 somewhere?

22 A. It was pain and the position. It was a
23 combination of both.

24 Q. How did the EMTs help you get up?

25 A. One grabbed me under my arm, the other one

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1 grabbed me under my arm, and they brought a wheelchair.

2 Q. What happened then?

3 A. They asked me my name, and they asked me a couple
4 of questions which I don't recall.

5 Q. They meaning the EMTs?

6 A. Yes, the EMTs, one female, one male. They helped
7 me up into a wheelchair. They rolled into the emergency
8 room.

9 Q. Did you complain of any injuries to the EMTs?

10 A. No, not at that moment, no.

11 Q. So they just walked you into the ER from where
12 you were sitting?

13 A. They rolled me into the ER.

14 Q. What happened when you got into the ER?

15 A. When I got into the ER they rolled me into
16 triage.

17 Q. What happened in triage?

18 A. When I was in triage, they asked me for my name
19 and what kind of insurance do I have. So when I told them
20 my name, they said, the guy who was rolling me in, said we
21 just got a gunshot victim with the same exact name. I
22 explained to them that is my son. So the guy had a look on
23 his face like oh, wow. So at that time they asked me my
24 name and my address and what insurance I had, so on and so
25 forth. I let them know my wallet was in my pocket. I have

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1 my information in there.

2 Q. What insurance did you have at that time?

3 A. Emblem GHI.

4 Q. This person who was asking you these questions
5 who was that?

6 A. I guess, it was one of the technicians in there.
7 I don't know who he is.

8 Q. An employee of the hospital?

9 A. Yes, an employee of the hospital, yes.

10 Q. Was this the first time you learned what
11 condition your son was in?

12 A. At that point I still didn't know what the
13 condition of my son was.

14 Q. Did you ask the person who you were talking to
15 what condition your son was in?

16 A. No.

17 Q. Why not?

18 A. I don't know.

19 Q. When did you first find out what condition your
20 son was in?

21 A. When they rolled into a room, they had me
22 handcuffed in a room, and the EMT let me know the condition
23 of my son. She let me know my son was fine. And that is
24 when I broke down and started crying. That is when she
25 cracked a joke and said you better stop crying. You are

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1 too big to be crying. Stop crying before I tell everybody
2 you are crying like a little girl.

3 Q. The woman who said that to you was she an EMT?

4 A. Yes.

5 Q. Was it the same EMT who had arrived on the scene
6 where you had been tased and rolled you into the hospital?

7 A. Not only that but she was the one who helped my
8 son. When he got shot she picked him up.

9 Q. How is your son doing today?

10 A. He is doing very well. He is still in a lot of
11 pain. He finished his therapy. He finished his physical
12 therapy but he is a completely different guy now. Meaning
13 that his activities day-to-day are different. He is quiet.
14 He is always staying to himself. I am trying to see if my
15 insurance will allow to get him some kind of therapy. But
16 he just turned 26 September 12th so he is no longer on my
17 insurance no more.

18 Q. I glad to hear he is doing better. So when you
19 found out what condition your son was in from the EMT, what
20 did she tell you; did she say he was okay; what did she
21 say?

22 A. She explained to me where he got shot at he was
23 okay. He will be fine. The bullet when straight through.
24 And like from that, that's when I was so happy I couldn't
25 stop crying. It was like a sigh of relief.

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1 Q. Were you given any medical treatment at the
2 hospital?

3 A. Yes. I was given medical treatment?

4 Q. What were you given?

5 A. They took the prongs out of my hip. The first
6 doctor who came, he could not take them out because they
7 were so far in. It took him a very long time to try to get
8 them out. So he had to get assistance to take the prongs
9 out.

10 Q. How many prongs had to be removed?

11 A. Three.

12 Q. Where were they located?

13 A. Left hip.

14 Q. Where the prongs eventually taken out?

15 A. The prongs were taken out eventually.

16 Q. Were you put under anesthesia when they were
17 taken out?

18 A. No. I think they numbed the area.

19 Q. So you were conscious while they removed them?

20 A. Yes.

21 Q. After those prongs were removed, did they have to
22 give you any other treatment to those areas?

23 A. Yes, I got a few stitches. I think three or four
24 if I am not mistaken.

25 Q. Did you have to go back to have them removed or

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1 did they dissolve?

2 A. Dissolved.

3 Q. Aside from having the prongs removed and getting
4 stitches, were you given any other medical treatment at the
5 emergency room?

6 A. Not at the emergency room, no.

7 Q. Were you given any medication for pain at the
8 emergency room?

9 A. No.

10 Q. Were you in police custody meaning was there a
11 police officer physically present with you the whole time
12 you were in the emergency room?

13 A. Yes, there was it was the arresting officer,
14 which was the sergeant and another female officer who was
15 there.

16 Q. Do you know their names?

17 A. No.

18 Q. Did the police ever speak to the medical staff
19 about your injuries?

20 MS. KAUFMAN: Objection.

21 A. Not that I know of.

22 Q. Did they ever speak to the medical staff about
23 what happened leading up to you being tased?

24 MS. KAUFMAN: Objection.

25 A. No, but the female officer with the stripes did

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1 take photographs of my injuries.

2 Q. Do you know why she did that?

3 A. No, sir.

4 Q. Did you speak to the officers who were with you
5 at the hospital about what had happened?

6 A. Yes.

7 Q. What did you talk about?

8 A. The female sergeant officer came to me and said
9 that this could have been prevented if he would have let
10 her do the talking.

11 Q. What did you understand that to mean?

12 A. Meaning that the guy with the white shirt, the
13 officer with white shirt wanted to arrest me when it could
14 have been prevented. The sergeant she clearly stated she
15 could have prevented this whole thing from happening.

16 Q. This officer you described as a sergeant, the
17 female you are saying is a sergeant can you describe her
18 physically?

19 A. She is short like around five six, five seven.
20 She looks like a Caucasian female, but I think she has a
21 Hispanic name and she had black hair.

22 Q. And the other officer, can you describe that
23 officer?

24 A. She is a Hispanic female. She was new on the job
25 because we were conversating while I was in custody in

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1 there.

2 Q. What did you talk about with the Caucasian female
3 officer while you were in custody?

4 A. I was just telling her that I used to work for
5 NYPD in the traffic division. She was telling me that, you
6 know, she was new. You know, just basically she just
7 started and so on and so forth.

8 Q. Did you talk to this Hispanic female officer at
9 any point about the tasing incident?

10 A. I don't recall at this point, at this moment.

11 Q. When the other officer, you described as being a
12 sergeant told you this could have been avoided or something
13 to that effect, did you say anything back to her?

14 A. Not that I can remember at this point.

15 Q. Did you have any other conversation with that
16 female officer you are describing as a sergeant about the
17 circumstances surrounding you being tased?

18 A. Not that I can remember honestly.

19 Q. At any point while you were in the emergency room
20 did you see your son?

21 A. No.

22 Q. At any point in the emergency room did you see
23 your wife?

24 A. Yes. She came to check on me after they had a
25 room available.

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1 Q. How long after you got to the emergency room was
2 that?

3 A. I went to triage. I gave her information and we
4 was waiting maybe ten minutes for a room to clear out for
5 me before they rolled me into the room.

6 Q. How long after you got rolled into the room, did
7 your wife come check on you?

8 A. I would say approximately like fifteen minutes.

9 Q. What happened when she came to check on you?

10 A. She asked me if I was okay. What are they going
11 to do. Are they going to let me go from there. I told her
12 I don't know. So she left me and went to my son.

13 Q. Did you complain of any injury to left knee at
14 the emergency room that day?

15 A. No.

16 Q. Did you complain of any injury to your left hip
17 at the emergency room that day?

18 A. No, just the prongs being removed, yes.

19 Q. Other than that did you complaint of any injury
20 to your left hip at the emergency room?

21 A. No, just getting the prongs removed with the
22 sutures, no.

23 Q. Did you complaint of any injury to your left
24 wrist at the emergency room?

25 A. No.

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1 Q. So aside from getting the prongs removed, did you
2 complain of any injuries at the emergency room?

3 A. No.

4 Q. Were you handcuffed the whole time you were at
5 the hospital?

6 A. Yes, the doctor who was treating me asked could
7 the handcuffs be removed and they refused to remove the
8 handcuffs.

9 Q. Were you handcuffed to the bed?

10 A. I was handcuffed to the wheelchair. There was no
11 bed.

12 Q. Did you make any phone calls from the hospital?

13 A. Actually, the sergeant let me use her phone to
14 call my job to let them know that I was not coming in that
15 day.

16 Q. Were you able to use her phone to call your job
17 and tell them that?

18 A. No, because there was no reception.

19 Q. Were you able to notify your workplace you were
20 not going to be in that day?

21 A. Yes.

22 Q. Is it fair to say, you did not report to work on
23 September 2nd?

24 A. Yes.

25 Q. When was the next time you reported to work after

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1 this incident?

2 A. I don't recall.

3 Q. Did you ask to see your son when you were in the
4 emergency room?

5 A. Yes.

6 Q. Were you refused or why didn't you see him?

7 A. They would not let me see him because at that
8 point I was under arrest so they would not let me see him.

9 Q. How long were you in the hospital before you
10 left?

11 A. I don't remember.

12 Q. About what time did you leave the hospital?

13 A. Let's say 4:30 to 5:00 o'clock.

14 Q. In the morning?

15 A. Yes.

16 Q. When was the first time you saw your son after
17 this whole incident occurred?

18 A. I don't remember. I don't know whether he got
19 released that night. I think he got released that night.

20 Q. When is the first time you saw him though after
21 this incident?

22 A. After I got released from the precinct.

23 Q. Is that the first time you spoke to him after
24 this incident?

25 A. Yes.

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1 Q. What happened after you left the hospital?

2 A. After I left the hospital, they put me in a
3 patrol car.

4 Q. Who is they?

5 A. The two female officers the sergeant and the new
6 female officer.

7 Q. Where did you go in the patrol car?

8 A. They took me to the 26th Precinct on 126th and
9 Amsterdam.

10 Q. How long did it take you to get to the precinct?

11 A. With their lights on five minutes.

12 Q. Had you ever been to the 26th Precinct before
13 that day?

14 A. No.

15 Q. Did you speak to the officers as you were being
16 transported to the precinct?

17 A. Yes. I could hear the sergeant explaining to the
18 other female officer that she had to do paperwork because
19 the sergeant shifted over so she shifted over the arrest to
20 the new girl.

21 Q. Did any of the officers ever say anything to you
22 as you were driving back to the precinct?

23 A. The female sergeant was very apologetic.

24 Q. What do you mean by that?

25 A. She apologized about this happening.

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1 Q. Apologized about what?

2 A. About me being arrested.

3 Q. What did she say to apologize?

4 A. She was sorry this happened.

5 Q. What, if anything, did you say back to her?

6 A. Nothing, there wasn't no conversation in between
7 the ride. She was just expressing herself.

8 Q. Did the Hispanic female officer say anything to
9 you as you drove to the precinct?

10 A. Not that I can recall, no.

11 Q. Did you say anything to either of the officers as
12 you were driving to the precinct?

13 A. Not that I can recall at this time, no.

14 Q. What happened when you got to the precinct?

15 A. When I got to the precinct, they removed my
16 shoestrings. They saw me at the front desk. After they
17 removed my shoestrings, they put me in a cell.

18 Q. Were you searched when you arrived at the
19 precinct?

20 A. Yes.

21 Q. By who?

22 A. I don't recall at this time.

23 Q. Did you see any of the other officers who were on
24 the scene when you were tased back at the precinct aside
25 from the two females that had been with you at the

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1 hospital?

2 A. While at the precinct, yes.

3 Q. Which officer or officers did you see?

4 A. It was a male officer who came into my cell in
5 his regular clothes.

6 Q. Do you know that officer's name?

7 A. No, I do not.

8 Q. Was that the officer who said tase him?

9 A. No, the one I recall saying tase him was the
10 officer with the white shirt.

11 Q. The one that came to your cell as you were in the
12 precinct, that was not the white shirted officer who said
13 tase him?

14 A. No.

15 Q. When the officer came to your cell what happened?

16 A. He told me my son was okay. He told me my son
17 was fine. He went home. He going to be fine. He also was
18 apologetic also and he left.

19 Q. In what way was he apologetic?

20 A. Basically he was saying he was sorry this
21 happened.

22 Q. Did you say anything back to him?

23 A. No, I just said thank you and good night.

24 Q. Were you in any pain when you were at the
25 precinct?

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1 A. My hip was hurting that's when I noticed that my
2 knee and my elbow were bruised.

3 Q. Which elbow?

4 A. Left elbow, left knee.

5 Q. When you say your hip was hurting, was that pain
6 from the taser prongs or something else?

7 A. It was from the taser prongs and I guess from
8 when my hip hit the floor because at that point that is
9 went the adrenaline was coming down.

10 Q. Did you ask for any additional medical treatment
11 at the precinct?

12 A. No.

13 Q. Did you make any phone calls from the precinct?

14 A. No.

15 Q. Did the officers offer to allow you to make a
16 phone call?

17 A. Yes, they were very nice to me.

18 Q. The officers were nice to you at the precinct?

19 A. They were very nice.

20 Q. Was anyone else in the holding cell with you?

21 A. No, I was by myself.

22 Q. How long were you at the precinct?

23 A. I didn't get released until maybe three o'clock
24 that afternoon.

25 Q. How many hours did you spend in the precinct

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1 then?

2 A. Anywhere from, I am not quite sure, probably from
3 five to eight hours.

4 Q. What were you doing during that time?

5 A. I as just sitting in my cell. During that time
6 the original arresting officer and everybody left already,
7 but they made the female officer say back. So during that
8 time, we had taken fingerprints and basically she didn't
9 know what she was doing. By me saying she didn't know what
10 she was doing, she took my fingerprints multiple times.
11 She took them so many times it shut the system down. She
12 kept asking different officers to come help her. So every
13 time an officer helped her, they told her to do something
14 different. So when another officer would come she would
15 start all over again. So she had help from maybe five
16 different officers to the point when they took my
17 fingerprints maybe four to five times and it shut me out of
18 the system in Albany.

19 Q. This is the Hispanic female officer you are
20 referring?

21 A. Yes.

22 Q. Were you photographed at the precinct?

23 A. Yes, multiple times.

24 Q. Had you been photographed and fingerprinted
25 before the date of this arrest by the police?

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1 A. Yes.

2 Q. Did you ask for anything to eat while you were at
3 the precinct?

4 A. No.

5 Q. Did you ask to use the bathroom at the precinct?

6 A. Yes.

7 Q. Did they let you use the bathroom when you asked?

8 A. Yes.

9 Q. Were you released from the precinct?

10 A. Yes.

11 Q. What were the arrest charges?

12 A. Obstructing government officials and I am not
13 quite sure.

14 Q. To your knowledge, what were the arrest charges?

15 A. All I know is obstructing government officials
16 and resisting arrest.

17 MR. ARKO: I just want to mark this document
18 as Defendants' B. One second. It was produced
19 with Bates stamped DEF 012.

20 (Whereupon, the aforementioned desk
21 appearance ticket was marked as Defendants'
22 Exhibit B for identification as of this date by
23 the Reporter.)

24 Q. Can you see this document marked Defendants' B,
25 Mr. Harris?

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1 A. Yes.

2 Q. Do you recognize what this document is?

3 A. Yes, it is a desk appearance ticket.

4 Q. Is this your signature in the box that says
5 signature of defendant?

6 A. Yes.

7 Q. Over in this box that says time 3:21 PM is that
8 the time you were released from the precinct?

9 A. Yes.

10 Q. I can stop screen share. Where did you go when
11 you were released from the precinct?

12 A. My wife came and picked me up.

13 Q. Where did she take you?

14 A. She took me to get a salad to eat.

15 Q. Where did you go from there?

16 A. He took me home to where I am at now.

17 Q. Did you ever appear in court for this arrest?

18 A. Yes.

19 Q. How many times?

20 A. Once.

21 Q. When did you appear in court for this arrest?

22 A. I am not quite sure of the date.

23 Q. What month was it?

24 A. I don't recall.

25 Q. About how long after you were arrested was it

B. HARRIS

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1 that you appeared in court?

2 A. I would say a couple of months later.

3 Q. You said before the arrest charges, to your
4 knowledge, were obstructing a government official and
5 resisting arrest, correct?

6 MS. KAUFMAN: Objection.

7 A. Yes.

8 Q. When you appeared in court, to your knowledge,
9 were you charged with any different crimes aside from those
10 two?

11 A. No.

12 Q. Were you guilty of either of those charges?

13 MS. KAUFMAN: Objection.

14 A. No.

15 Q. Why do you say you were not guilty of those
16 charges?

17 MS. KAUFMAN: Objection.

18 A. I was told the charges was dropped.

19 Q. Well, I will make the distinction here. Charges
20 being dropped is a separate issue from whether or not you
21 committed the charges you were charged with. Did you
22 commit the crimes that you were charged with in connection
23 with this arrest?

24 MS. KAUFMAN: Objection.

25 A. No.

B. HARRIS

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1 Q. Did you have an attorney with you when you
2 appeared in court?

3 A. Yes.

4 Q. Who was that attorney?

5 A. Alberto Ebanks.

6 Q. Is that a private attorney or a legal aide
7 attorney?

8 A. Private.

9 Q. Where did you find Mr. Ebanks?

10 A. I was recommended to him.

11 Q. By who?

12 A. By the president of my union at my job.

13 Q. What union is that?

14 A. Local 841.

15 Q. How much did you pay him?

16 A. I paid him five thousand dollars.

17 Q. Did you personally pay him out of your own
18 pocket?

19 A. Yes.

20 Q. Do you still owe him any money for that
21 representation?

22 A. No.

23 Q. What happened when you appeared in court for this
24 arrest?

25 A. From my understanding they threw it out.

B. HARRIS

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1 Q. What is your understanding of what happened to
2 the charges ultimately?

3 A. I am not really familiar with the court system.
4 So I was let go from the precinct. When I went to court,
5 they threw it out.

6 Q. Did you make any statements in the courtroom?

7 A. No.

8 Q. Did the judge say anything to you in the
9 courtroom?

10 A. No, not that I can recall.

11 Q. At some point did you get your car back from the
12 police?

13 A. Yes.

14 Q. When did you get your car back?

15 A. Thirty days later.

16 Q. Where did you get it from?

17 A. From that housing police precinct area.

18 Q. Where is that located?

19 A. On Frederick Douglas Boulevard and 147th Street
20 in Manhattan.

21 Q. What did you have to do, just so you understand,
22 the blue Tahoe is the car I am referring to that was
23 outside the hospital, what did you have to do to get the
24 car back?

25 A. Just produce the registration and insurance.

B. HARRIS

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1 Q. What condition was your car in when you got it
2 back?

3 A. It was completely empty.

4 Q. What do you mean by completely empty?

5 A. All the contents in the trunk was gone.

6 Q. Was the car in good condition when you got it
7 back?

8 A. Yes.

9 Q. Do you know if the police searched your car
10 between when you were arrested and when they returned it to
11 you?

12 A. No.

13 Q. Do you know if the police found anything in your
14 car when it was searched?

15 A. Yes, they found a gun magazine which belonged to
16 my wife for target practice.

17 Q. Where was the gun magazine in the car?

18 A. I have idea.

19 Q. Do you know if the police found anything illegal
20 in your car when it was searched?

21 A. Not I know of.

22 Q. That gun magazine you said belonged to your wife?

23 A. Yes.

24 Q. To your knowledge, is she lawfully permitted to
25 have that?

B. HARRIS

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1 A. Yes.

2 Q. Were you afraid the police would find that when
3 you arrived at the scene of the hospital back on September
4 2nd?

5 A. No.

6 Q. Did you seek medical treatment after you were
7 released from police custody for injuries you attribute to
8 this incident?

9 A. Yes.

10 Q. When was the first time you sought medical
11 treatment after you were released from police custody for
12 injuries you attribute to this incident?

13 A. I am not sure of the exact date. Maybe a week or
14 so later I went to Urgent Care.

15 Q. What Urgent Care did you go to?

16 A. I went to the Urgent Care in White Plains.

17 Q. What is it called?

18 A. Westchester Medical.

19 Q. Westchester Urgent Care in White Plains?

20 A. Yes.

21 Q. Why did you go to Westchester Medical in White
22 Plains?

23 A. My doctor is located in Westchester Medical.

24 Q. Mr. Harris, what ailment or injury brought you to
25 the Urgent Care in White Plains a week after this incident?

B. HARRIS

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1 A. I noticed that my wrist, my left wrist.

2 Q. What was wrong with your left wrist that prompted
3 you to go to Urgent Care?

4 A. From the time I was arrested to the time I went
5 to Urgent Care I was working and I noticed that it was
6 hurting more and more every day.

7 Q. So the week between when your arrest and when you
8 went to Urgent Care you went to work?

9 A. I did report to work.

10 Q. Were you able to perform your duties at work?

11 A. During that first day, yes, but it started
12 getting worse every day after that.

13 Q. Did you go out on sick leave between when you got
14 arrested and when you first went to the Urgent Center for
15 your wrist?

16 A. No.

17 Q. Did you go to the doctor for any other reason
18 between when you were first released from police custody
19 and when you went to the Urgent Care Center a week after
20 your arrest?

21 A. Yes, I went for my foot I think.

22 Q. What about your foot took you to the Urgent Care?

23 A. I had fungus in my toenail.

24 Q. When did you go to the hospital about that?

25 A. September 9th.

B. HARRIS

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1 Q. So it was sometime after September 9th you first
2 went to the Urgent Care Center for your wrist; is that
3 correct?

4 A. No, that was after. I didn't go to Urgent Care
5 for my wrist until the 18th is the first day I went to
6 Urgent Care.

7 Q. The 18th of September?

8 A. Yes.

9 Q. So you were able to perform your duties at work
10 between the day you got arrested and September 18th; is
11 that correct?

12 A. Yes.

13 Q. So you didn't go out on sick leave during that
14 period of time?

15 A. No, sir.

16 Q. When to the Urgent Care Center about your
17 toenails did you make any complaints during that visit
18 about injuries you attribute to this incident?

19 A. I didn't go to Urgent Care about my toenails.

20 Q. Where did you go about your toenails?

21 A. I went to the same facility, but it was not
22 Urgent Care. I had a doctor's appointment already.

23 Q. When you went to that doctor's appointment did
24 you complain about any injuries you attribute to this
25 incident?

B. HARRIS

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1 A. No.

2 Q. Why not?

3 A. Because he works on feet, there is no way he is
4 going to help me with my wrist.

5 Q. When you went to that appointment for your
6 toenails, were you experiencing any injuries or pain you
7 attribute to this incident?

8 A. Yes, I was.

9 Q. What was that?

10 A. That was pain to my wrist and it was pain to my
11 knee. It was pain to my elbow. I suffered abrasions and
12 bruises to my left elbow and left knee, but my wrist was my
13 main concern.

14 Q. What happened when you went to the Urgent Care
15 Center for your wrist on September 18th?

16 A. They did an x-ray. They sent me to radiology to
17 do an x-ray.

18 Q. Did you find out what the results of the x-ray
19 was?

20 A. Yes, there was no broken bones or anything like,
21 but they recommended me to do an MRI.

22 Q. Other than having an x-ray were you given any
23 other treatment during that visit to the Urgent Care
24 Center?

25 A. They sent me home with a soft cast, and I think a

B. HARRIS

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1 prescription for some pain medicine.

2 Q. Did you fill the prescription?

3 A. No, I did not.

4 Q. Did you take the pain medication you were
5 prescribed?

6 A. No. I don't take any kind of medication because
7 addiction runs in my family. That is why I never drink or
8 I never take drugs like that. I know my mother was an
9 addict and my father was an addict too along with a couple
10 of my siblings. So I never take any kind of medicine.

11 Q. What was it that you were prescribed?

12 A. I am not quite sure.

13 Q. Were you examined by a doctor at the Urgent Care
14 Center?

15 A. Yes.

16 Q. Were you given any sort of diagnosis during that
17 trip to the Urgent Care Center?

18 A. I was, but I don't remember the diagnosis. So
19 they told me I needed an MRI.

20 Q. You also mentioned you were given a soft cast,
21 what did you mean by that?

22 A. It is like a black sling that I had to wear it
23 every day.

24 Q. Did you wear it every day?

25 A. Yes.

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1 Q. How long did you wear that soft cast for?

2 A. I wore it every day for I would say until my next
3 visit with the orthopedic which was like maybe a week
4 later. I went to the ER on September 18th, and I got the
5 appointment to see the orthopedic September 24th.

6 Q. Just so I understand on September 18th did you go
7 to an emergency room or an Urgent Care Center?

8 A. I went to the doctor's office.

9 Q. On September 18th this was an Urgent Care doctor?
10 The first time you sought medical treatment after your
11 arrest for your left wrist was at an Urgent Care Center,
12 right?

13 A. Yes.

14 Q. Who was the doctor you saw there?

15 A. I don't remember her name.

16 Q. It was the Urgent Care Center that you got the
17 appointment with the orthopedist, did I understand you
18 correctly?

19 A. Yes.

20 Q. Who is the orthopedist you saw?

21 A. His name is Dr. Rosenbaum.

22 Q. When did you first see Dr. Rosenbaum?

23 A. The first time I seen him was maybe September
24 24th.

25 Q. Where did you see him?

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1 A. He was in Westchester, White Plains, 210
2 Broadway.

3 Q. Is that a hospital or doctor's office?

4 A. Yes.

5 Q. What happened when you saw Dr. Rosenbaum?

6 A. Dr. Rosenbaum examined me and told me to continue
7 to wear the soft case and he is the one that made the
8 appointment for the MRI.

9 Q. Why did Dr. Rosenbaum make an appoint for you to
10 have an MRI?

11 A. Because he seen the swelling in my wrist and he
12 seen the lack of mobility of the rotation in the wrist, and
13 he knew that something was deeper than what appeared on the
14 x-ray.

15 Q. Did Dr. Rosenbaum prescribe you any medication
16 when you saw him that first time?

17 A. Yes.

18 Q. What did he prescribe?

19 A. I am not quite sure about that, but I didn't fill
20 the prescription.

21 Q. Did you continue to wear the soft cast after you
22 saw Dr. Rosenbaum for the first time?

23 A. Yes.

24 Q. For how long much longer?

25 A. I continued to wear it until, I can't remember

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1 the time span, but I did continue to wear it daily.

2 Q. Did Dr. Rosenbaum give you any specific diagnosis
3 during that first visit you had with him?

4 A. He could not really give me a diagnosis until I
5 got the MRI.

6 Q. Did you, in fact, get the MRI done?

7 A. Yes.

8 Q. What area of your body was submitted to an MRI?

9 A. My left wrist.

10 Q. Anything else or just that?

11 A. Just that.

12 Q. Approximately how long after your first
13 appointment with Dr. Rosenbaum did you have that MRI?

14 A. I would say from the first visit maybe a month
15 later.

16 Q. Where did you have the MRI done?

17 A. In Westchester Medical.

18 Q. Did you have a follow-up appointment with the
19 doctor regarding the MRI?

20 A. Yes.

21 Q. Who was the doctor you saw about the MRI?

22 A. I am not quite sure if it was the technician or I
23 am not quite sure of the name of the doctor who performed
24 the MRI.

25 Q. The question is: Did you have an appointment

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1 with a doctor to discuss the results of the MRI after it
2 was done?

3 A. Yes.

4 Q. Who was the doctor that you met with to discuss
5 the results?

6 A. Dr. Rosenbaum.

7 Q. When did you meet with him to discuss the results
8 as the MRI?

9 A. 11/2/2020.

10 Q. Is that the first time you saw Dr. Rosenbaum
11 after your visit when he prescribed the MRI?

12 A. Yes, that was my first follow-up visit, yes.

13 Q. What happened during that visit with Dr.
14 Rosenbaum on November 2nd?

15 A. Well, he gave me the diagnosis, he told me that I
16 had a lot of damage in my wrist. He told me that I either
17 can do therapy like some kind of acupuncture but that is
18 not going to stop my problem. He said it is just like
19 putting a Band Aid on a gunshot wound. He said that he
20 would recommend surgery. He asked me what is my thoughts
21 on that. I told him absolutely if I can get back to my
22 normal self. We can do the surgery.

23 Q. What specific diagnosis did Dr. Rosenbaum give
24 you for your left wrist?

25 A. I don't know the technical term.

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1 Q. It sounds like Dr. Rosenbaum said there were
2 other things you could have tried short of surgery that
3 could have helped in someway, correct?

4 A. Yes, he did say there are other ways to address
5 this, but there would be no good outcome.

6 Q. Did he offer a steroid injection to you to treat
7 this injury?

8 A. I don't know that what that is. I know he
9 offered acupuncture, and like, said, if he did offer me
10 another alternative he implied it would not work.

11 Q. So you wanted to have surgery on your wrist?

12 A. Yes, under doctor's instructions, yes.

13 Q. Did you schedule the surgery during that
14 appointment with Dr. Rosenbaum on November 2nd?

15 A. I don't know if there was another appointment
16 between there and then but yes, we did schedule the
17 surgery.

18 Q. When was the surgery scheduled for?

19 A. The 17th.

20 Q. Of 2020?

21 A. Yes.

22 Q. Who performed the surgery?

23 A. Dr. Rosenbaum.

24 Q. Where did he perform the surgery?

25 A. He performed it in Rye Hospital.

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1 Q. What did Dr. Rosenbaum do during the surgery;
2 what treatment did he give you during the surgery?

3 A. I am not quite sure, but he reconstructed
4 something in my wrist. Like I said, I don't know the --
5 ECU. I am not quite sure of the terminology but he
6 reconstructed something in my wrist.

7 Q. Was this an inpatient or out-patient surgery?

8 A. Out-patient.

9 Q. What happened after the surgery?

10 A. I don't understand the question.

11 Q. Did you have any follow-up appointments after you
12 had the surgery?

13 A. Yes, I had follow-up appointment with him because
14 after I had the surgery my wrist was in a cast for let's
15 say eight weeks.

16 Q. When you say cast, a soft cast like you had
17 before?

18 A. No, a hard cast up to my elbow.

19 Q. A white plaster cast?

20 A. Yes.

21 Q. How long did you have that cast on?

22 A. Eight weeks.

23 Q. Did you see Dr. Rosenbaum during that eight-week
24 period of time?

25 A. Yes.

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1 Q. How many times?

2 A. It was for the, uh, I don't know how you quite
3 phrase it the first visit after you have the surgery. I
4 think it is postop. We had that visit, the postop visit.

5 Q. So just one time when you had the cast on you saw
6 Dr. Rosenbaum?

7 A. Yes, I seen him postop.

8 Q. What happened during that postop appointment?

9 A. He took the cast off. He looked at the wound.
10 He cleaned it. He took the tape off and he replaced
11 everything. He redid the cast over.

12 Q. When was this postop appointment?

13 A. Let's say around, I know it was before Christmas
14 in December.

15 Q. After that postop --

16 A. Let's say the first week the December.

17 Q. After that postop appointment did you return to
18 Dr. Rosenbaum again?

19 A. Yes.

20 Q. When?

21 A. After New Years.

22 Q. What happened during that appointment?

23 A. At that point that is where he removed the cast.
24 He took the sutures out, and he recommended that I do
25 physical therapy.

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1 Q. Did you get the cast taken off at that point too?

2 A. No. I didn't get the cast taken off there. I
3 got the cast taken of when I started therapy.

4 Q. When was that?

5 A. I can't recall at this time.

6 Q. How long after the surgery was performed did you
7 begin therapy?

8 A. Like eight weeks.

9 Q. Were you ordered to go to therapy by Dr.
10 Rosenbaum or did you do it on your own?

11 A. I was ordered to go to therapy that I needed.

12 Q. Where did you go to therapy?

13 A. In Bronx it is, I think, I forgot the name of the
14 place.

15 Q. If you don't recall it is okay. How long did you
16 attend physical therapy?

17 A. Eight weeks.

18 Q. How many times a week did you go?

19 A. Twice a week.

20 Q. And again this was after the cast had been
21 removed, correct?

22 A. After the cast was removed.

23 Q. What did you do during your therapy sessions?

24 A. During the therapy sessions I tried to regain
25 mobility as much as I could and strengthening.

B. HARRIS

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1 Q. When was the last time you went to therapy for
2 your left wrist?

3 A. I don't recall.

4 Q. Are you still attending therapy?

5 A. No, my sessions expired.

6 Q. Would you say you made a full recovery from this
7 injury after you stopped going to therapy?

8 A. Absolutely not.

9 Q. Would you say you ever made a full recovery from
10 this injury?

11 A. No.

12 Q. Why not?

13 A. Because I only have a certain amount of motion
14 that I can motion and move my wrist, and the strength is
15 not back a hundred percent. It is hard for me to do
16 certain things I used to do prior to the surgery.

17 Q. Such as what?

18 A. Such as exercise. I can't do my push-ups
19 anymore. I can't do my pull-ups anymore. I only can lift
20 one way. Even it is hard for me to take a shower to wash
21 myself properly because I can't reach with my left hand, my
22 backside, my back, my upper back. It is even hard to brush
23 my teeth with the limited mobility of my wrist.

24 Q. Has the limited mobility of your wrist affected
25 your ability to perform your work duties?

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1 A. Yes.

2 Q. How?

3 A. I only can use most of my power with my right
4 hand, and it is hard for me to drive the truck. You are
5 supposed to always drive with two hands. Now, I am
6 starting to notice myself using one hand which is
7 dangerous, it is very dangerous when driving heavy
8 machinery.

9 Q. Are you able to work full-time now though in
10 spite of what you just described?

11 A. I am able to work full-time, but it was very
12 painful.

13 Q. When you say you stopped going to therapy after
14 two months, was that because you were ordered you didn't
15 need to go anymore or did you decide on your own you didn't
16 want to go anymore?

17 A. I was not ordered not to go anymore. I needed
18 more therapy, but one, I had to return back to work. And,
19 two, my insurance was not paying for anymore sessions and I
20 could not afford to pay for it out of my pocket.

21 Q. So you are saying after two months the insurance
22 would not cover it anymore?

23 A. Yes.

24 Q. Do you still have GHI Emblem Health Insurance?

25 A. No.

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1 Q. What insurance do you have now?

2 A. I am to transition to Aetna.

3 Q. But was it GHI Emblem Health you are saying would
4 not cover the therapy anymore?

5 A. Yes.

6 Q. Did you miss any work as a result of this injury?

7 A. Yes.

8 Q. What period of time were you not working?

9 A. From the day of the operation and eight weeks
10 after that.

11 Q. From November 17th and then the following eight
12 weeks?

13 A. Yes.

14 Q. Do you have unlimited sick leave with the
15 department of sanitation?

16 A. Yes.

17 Q. Did the time you took off for this injury fall
18 within your unlimited sick leave?

19 A. Yes.

20 Q. Were you paid your full regular salary while you
21 were out due to this injury?

22 A. No.

23 Q. What were you not paid?

24 A. I was only on basic salary which is only 50
25 percent of the salary. And I missed out on a lot of

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1 overtime which was daily four hours overtime a day.

2 Q. Is the overtime wages the only wages you were not
3 paid or was there some other reduction in your wages?

4 A. Yes, I get paid for picking up the garbage we get
5 extra money for that which I was unable to get because I
6 was out of work. We get paid for overtime which is daily
7 because during that time we take care of the snow, driving
8 the plow and everything like that. And picking the garbage
9 up physically we also get extra money doing that which I
10 was out of.

11 Q. What was it you were paid?

12 A. My basic salary.

13 Q. So the categories of wages you were not paid
14 would have been the wages that you say you get for picking
15 up garbage; is that correct?

16 A. Yes, and overtime.

17 Q. And overtime is another category?

18 A. Yes.

19 Q. Are there any other category of the wages you
20 claim you were not paid during this period of time?

21 A. At this time, no.

22 Q. So it was just the overtime and the garbage
23 picking up wages.

24 A. And they pay you double time for working Sundays
25 which I missed out on. Also they pay you double time for

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1 working your days off which I missed also.

2 Q. Is that considered overtime pay?

3 A. Yes.

4 Q. What were you being paid during this period of
5 time you were out with an injury, what were your wages each
6 paycheck?

7 A. I don't understand the question.

8 Q. How much money were you being paid in each
9 paycheck during the period of time you were out with this
10 injury?

11 A. I would say eight hundred dollars.

12 Q. What would you normally have been paid during
13 that time?

14 A. Anywhere close to two thousand dollars or over.

15 Q. How much money are you claiming you lost out on
16 as a result of these injuries?

17 A. Can I refer to my attorneys?

18 Q. Do you know off the top of your head how much
19 money you are claiming?

20 A. No.

21 Q. Did you make a full return to work at some point?

22 A. Yes.

23 Q. When was that?

24 A. Eight weeks later.

25 Q. How did you pay for all the medical treatment you

B. HARRIS

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1 just described?

2 A. Through insurance.

3 Q. Was that GHI Emblem Health?

4 A. Yes.

5 Q. Were you given a lien for any of the medical
6 treatment you were given against this litigation?

7 A. What is a lien.

8 Q. Did any of the providers who gave you health care
9 or physical therapy or anything like that, say that your
10 payments would be contingent upon you winning any money or
11 getting any money in this lawsuit?

12 A. No.

13 Q. Have you ever spoken to anyone else about this
14 incident other than your attorneys?

15 A. No.

16 Q. Have you ever spoken to your wife about this
17 incident?

18 A. No.

19 Q. Have you ever spoken to your son about this
20 incident?

21 A. No.

22 Q. Have you ever written anything down about this
23 incident?

24 A. No.

25 Q. Have you ever sent anyone any e-mails about this

B. HARRIS

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1 incident?

2 A. No.

3 Q. Have you ever sent anyone any texts about this
4 incident?

5 A. No.

6 Q. Do you personally have any video recordings in
7 your possession of this incident?

8 A. No.

9 Q. Do you person have any audio recordings in your
10 possession of this incident?

11 A. No.

12 Q. Are you claiming any emotional injuries as a
13 result of being tased on September 2, 2020?

14 A. Absolutely.

15 Q. What are the emotional injuries you are claiming?

16 A. This was the worst day of my life. I think about
17 this every waking moment of my life. I have never been
18 through anything like this. It tore me up mentally,
19 physical, emotionally. I can't sleep properly at night. I
20 worry every waking moment. My son is texting me now to ask
21 if I am okay. And I can't answer him right now and that is
22 making me more anxious because I don't whether another
23 incident like that is happening as we speak. I have never
24 been through anything like this. The thought of losing
25 your own child is the worse thing ever in life.

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1 Q. I want to separate the emotional injuries you are
2 attributing to anxiety about your son out of this.

3 Let me ask the question, are you claiming any
4 emotional injuries as a result of being tased on September
5 2nd?

6 A. Absolutely.

7 Q. What are those injuries?

8 A. It has heightened my awareness of the police.
9 Every time I see a police car I cringe. Every time I see
10 an officer, normally I am very respectful to police. I
11 say, hi, have a safe tour, you know, working alongside of
12 them. But now that feeling is gone. The whole trust thing
13 is gone. As far as me just the sound of being tased and
14 the smell of burning flesh it is beyond what I can even
15 speak about. But I was trying to seek therapy for that,
16 but I would have to pay out of pocket and I can't afford
17 it.

18 Q. So you have not seen a therapist in connection
19 with the emotional injuries you say are as a result of
20 being tased?

21 A. I did not.

22 Q. Before you were tased on September 2, 2020 were
23 you afraid of police officers?

24 A. No.

25 Q. Before you were tased on September 2, 2020, did

B. HARRIS

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1 you respect police officers?

2 A. Absolutely.

3 Q. What about this encounter changed that?

4 A. I still respect police but I know I have to move
5 a little more cautiously meaning that all cops, all police
6 they have a job to do, but also all police are human also.
7 They make errors also.

8 Q. Are you claiming any emotional injuries as a
9 result of being arrested on September 2, 2020?

10 A. Absolutely.

11 Q. What are those injuries?

12 A. Mostly mental and emotional, physically also.

13 Q. How did the emotional injuries you described
14 affect your daily life?

15 A. Not knowing am I going to make it home when I
16 leave the house. Always having to have police on my mind.
17 Just moving in a different way.

18 Q. The emotional injuries you described, did there a
19 come time they healed?

20 A. Only time can tell.

21 Q. Is it fair to say, they are not now healed?

22 A. Yes.

23 Q. Do you have any out-of-pocket medical expenses
24 related to this incident?

25 A. Co-payments, yes.

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1 Q. Do you have any receipts or other documentation
2 regarding those expenses?

3 A. Yes.

4 Q. Are claiming those co-payments as part of your
5 damages in this case?

6 A. Yes.

7 Q. When did you decide to file a lawsuit in this
8 matter?

9 A. The moment they put the cuffs on me.

10 Q. Why did you decide to file a lawsuit at that
11 moment?

12 A. I felt my arrest was unjust. I felt like they
13 could have done better policing.

14 Q. What do you think they could have done better?

15 A. Talked to me.

16 Q. You saw video of what happened, correct?

17 A. Yes.

18 Q. Do you feel the officers didn't try talking to
19 you before you were tased?

20 MS. KAUFMAN: Objection.

21 A. No.

22 Q. Why do you say they didn't try talking to you
23 before you were tased?

24 A. I felt like they rushed to judgment. Like I
25 said, I honestly feel they rushed to judgement. Even the

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1 sergeant as I told you prior, said she would have handled
2 it differently.

3 Q. Why are you suing Lieutenant Angel Leon?

4 MS. KAUFMAN: Objection.

5 A. I don't know who Lieutenant Angel Leon. Is he
6 one of the white shirts?

7 Q. He is one of the defendants. That is all I can
8 tell you. I am asking why are you using him specifically?

9 A. If he is one of the officers, he had the right.
10 He had the decision making ability to make an arrest or
11 going the other way like the sergeant wanted to do which
12 was talk about it. He decided he wanted the arrest, which
13 he repeated out loud he wanted me to be arrested.

14 Q. Why are you suing Officer Antonella Jimenez?

15 A. I don't know who that is.

16 Q. Why are you suing Detective Kristen Swinkunas?

17 A. Everybody there, all the officers there I am
18 suing because they need proper training on how to interact
19 with people.

20 Q. Why are you suing Lieutenant John Lane?

21 A. Again, I don't know exactly who that is, but all
22 the officers need to be better trained in how to
23 communicate better.

24 Q. Why are you suing Officer Maxwell Baltzer?

25 A. Same exact reason.

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1 Q. Do you expect to be compensated for this
2 incident?

3 A. Absolutely.

4 Q. What do you expect to get?

5 MS. KAUFMAN: Objection.

6 A. I expect to get as much as I possibly can so the
7 police department can look back at this event and retrain
8 their officers on how to interact with the community.

9 Q. How do you expect that to accomplished by
10 financial settlement to you?

11 MS. KAUFMAN: Objection.

12 A. It is not only about the money, but being that
13 talking and communicating with the department is not going
14 to do anything so financial compensation seems like the
15 only thing that works.

16 Q. Why did you withdraw your false arrest claim?

17 MS. KAUFMAN: Objection.

18 A. I have no idea.

19 Q. When did you retain your attorneys Doug Lieb and
20 Alanna Kaufman?

21 A. I am not quite sure. I don't remember.

22 Q. How did you find Mr. Lieb and Miss Kaufman?

23 A. My defense attorney recommended them.

24 Q. That is Alberto Ebanks?

25 A. Yes.

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1 Q. Have Mr. Lieb or Miss Kaufman ever represented
2 you in any other legal matter?

3 A. No.

4 Q. Have Mr. Lieb or Miss Kaufman ever represented
5 any friends or family of yours in any legal matters?

6 A. No.

7 Q. Going back to when you first arrived at the
8 hospital, not when you dropped your wife but when you came
9 back from 125th and Amsterdam, did you ask the officers at
10 that point when you first saw them what condition your son
11 was in?

12 A. No.

13 Q. Did you ever ask the officers before you were
14 tased what condition your son was in?

15 A. No.

16 Q. Why not?

17 A. Because my wife was there.

18 Q. Why would your impulse be to walk towards the car
19 at that point?

20 A. I don't understand the question.

21 Q. Why did you walk towards the car when you got
22 back to the hospital from 125th and Amsterdam?

23 A. Oh, because when I parked the vehicle and I seen
24 the vehicle, I had no choice but to walk towards it, the
25 angle that it was parked. So when I walked towards it,